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CHRISTIANITY,
A
DOCTRINE
OF THE
CROSS:
OR,

Passive Obedience,

UNDER ANY
Pretended Invasion of LEGAL
RIGHTS and LIBERTIES.

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CHRISTIANITY

DOCTRINE

OF THE

CROSS

By John Wesley

Practical Treatise

OF THE



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DOCTRINE

OF THE

TO THE
READER.

IT is a sad Reflection to a true Christian Spirit, to see some of the noblest Virtues of our Holy Religion, and Points of Good Practice, not only neglected in the Lives, but endeavoured to be driven out of the Reverence and Esteem of Christians. Among these, I think none of late have bore more of the rude Batteries of Noise and Violence, or fallen deeper under the Wanton Sport or Malicious Strokes of Profane Wits, than the Doctrine of *Passive Obedience*.

I take it to be an unquestionable Gospel Truth, and Primitive Doctrine. And to carry in it the most lively exercise and expression, of the two grand Virtues, of *Faith*, and *Patience*. It is *Faith*, that under persecuting or oppressive Governors, rather than leave our selves by fighting against God or men, dare run Venture, and trust our selves on him, either to prevent those Persecutions and outward Losses, that are ready to meet us in this World, or to support us under them, and abundantly Com-

penfate and Reward us for them. And it is *Patience*, that bears all the preſſing Conſlicts without Fainting, till the Grace of God has brought us through them. And theſe two Virtues, raiſe us ſo much above our ſelves, and this World, or above Human Weakneſſes, Affections, and Intereſts: that God has always dignified them with eſpecial Marks, and Prerogatives of his Favor and Acceptance. And on the ſame account, good Men have ever held them, as the brighteſt Glory of the Saints, and what they were moſt ambitiouſly to aim at. As on the other Hand, for the ſame Reason, they have ever been the greateſt Terror and Stumbling-Block, to Worldly and Carnal Minds.

My deſign in the enſuing Papers, is to do what reaſonable Service I am able, to this great and noble inſtance, of Oppreſſed Truth and Righteouſneſs. And becauſe, after all that has been ſo often, and ſo well ſaid of late upon this Subject by others, particularly in the Elaborate and much Celebrated Diſcourſes, of *Joſeph*, and the *Caſe of Reſiſtance of the Supreme Powers Stated, &c.* The Adverſaries of this Truth ſtill inſiſt with great Confidence and Triumph, upon the Plea of *Legal Rights for authorizing Reſiſtance*; I have ſingled out this Plea, and Diſcuſſ'd it in the enſuing Treatiſe. My aim is, not ſo much to engage in particular and perſonal Diſputes, as to ſpeak to the Argument; and to ſay ſo much, as among Minds willing to ſee it, may be ſufficient to Prove and Eſta-
bliſh.

blish a Doctrine so necessary, as that whereof I write,
and to obviate the most Colorable Pretences brought
against it. *Passive Obedience*, is a great, and Practi-
cal Truth: and I seek herein, by setting it off with
as much Strength and Clearness, and withal as brief-
ly as I can, to build up honestly disposed Readers
in the Belief and Practice thereof, notwithstanding
any things, which, either in pretended *Favor to Reli-
gion*, or on any fancied *Authority from Civil Right*, they
shall find urged, in opposition to it.

I must advertise thee further, that this Treatise was
sent away in Company of another, Intituled, *Of
Christian Prudence*, &c. And being both then pre-
pared, and designed for the Press, there is a Refer-
rence to it in Page 160. of that Book. Which,
not being observed by those, who had the care there-
of, (the Author himself being at a great distance from
the Press,) that Book was published first, and this
was left to follow it. And now it is come abroad,
I beseech Almighty God of his Infinite Mercy to
vouchsafe it his Acceptance, and to accompany it with
his Grace, that it may not fail to do an Holy Reli-
gion some Honor, a Noble, but decied and exploded
Duty, some Credit, and thy Self and his Church
some Service.

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CHRISTIANITY A DOCTRINE OF THE CROSS.

P *Assive Obedience to Sovereign Powers, is keeping under their Obedience, when we suffer wrongfully at their hands. If they command things against the Law of God, or of the Land, we ought not; or if against the inviolable Liberties, which Laws have secured against the Prerogative in their respective Kingdoms, we need not ordinarily be Assive, in doing what we are bidden. In other things, a just and lawful Authority must have Assive Obedience. But when they come to punish against Laws, or for such things as with a safe Conscience their Subjects could not act in; they are still to continue under their Obedience, and in a state of Subjection. And this is by being Passive, or not rising up to Resist, and Levy War against them. They may seek to guard off the unjust Suffering, by Petitioning, by claiming the help of Law from Courts of Justice, whilst there are any Provisions for help yet untryed therein, or by any other fitting ways consistent*

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with

Christianity a Doctrine of the Cross.

with Subjection. But not by running to Arms when all other ways fail, and by lifting Soldiers, (for no Man will stand in Arms by himself against him,) to defend their own Rights against their lawful Sovereign. Whilst a Prince is our lawful Sovereign, Obedience must be *Due* to him; and whilst we are under his Obedience, we must be *Passive*, and have no liberty in this sort to resist him.

This Doctrine of *Passive Obedience*, and *Non-Resistance*, seems both most plainly prescribed by the Precepts, and most suitable to the Spirit and Genius of Holy Religion.

The *Fifth* Commandment, under the name of *Honor*, enjoins both *Reverence* and *Support* of Princes, as our *Politic Fathers*. But when Subjects make War upon them, instead of paying *Fear* and *Reverence*, they are plainly in a state of *bidding Distance*: and when the Sword is unsheathed against them, that is evidently not for their *Support*, but for the *beating and pulling of them Down*.

Put them in mind, saith *S. Paul, *to obey Magistrates*.

But there is most visibly an end of Obedience, when things are come to this pass, and Men under command cannot possibly do any thing more contrary to shewing Obedience, than to *rise and fall upon their Commanders*.

Reason, † says S. Peter, *to every ordinance of man*.

Yea, *Let every soul be subject*, ‡ saith S. Paul. But what

becomes of Submission, when they fall thus to resisting? For every Man must needs be sensible, he doth no longer submit to another, when he hath up to resist and fight against him.

In Christianity, is a *Doctrine of the Cross*, which is one of its distinguishing Marks; nothing, in account thereof, being more necessary, more proper, and praise-worthy, than for Christians, to * *take up, and bear Crosses*. Whence came those Crosses, so much as from the Persecuting Powers? And if the Crosses, which Christians profess to bear, are such as Persecuting So-

vereigns

* Titiii. 1.

† 1. Pet. ii.

13.

‡ Rom.

xiii. 1.

* Mat. x.

38.

Luk. ix.

23.

Mat. xvi.

24.

Luk. xiv.

27.

vereyns lay on: it is plain they profess not to Resist, which is out of the way of bearing, but to shew Passive Obedience under them. For there is an end of taking up, and bearing Crosses, when, instead of taking up and bearing, Men set themselves with all their might to shake them off, or beat them back again.

These passages, and such like, do sufficiently bear out the Duty of *Non-Resistance*, even to the most ordinary Understandings, if they will but attend to them. Besides, that *S. Paul* has † told us in express terms, that *they who resist the Higher Powers, shall receive to themselves damnation.* † Rom. xiii. 2.

All this was true, say the Advocates of Resistance, at those times, and in those Cases, for which these Rules were given. But those were, where the wills of Governors were Laws, or where the Laws brought Crosses: not where the Laws, as it is with us, are a Cover against them. *Religion* it self, say they, doth not authorise Resistance; but *Civil Right* doth. And if Religion is by Law made a *Civil Right*, we may Resist for it, as we may for other Civil Rights and Properties. Not being bound by any of these Precepts, to bear Crosses which the Law keeps off. Nor eyed to submission, under invasion of Civil Rights, which carry with them a power to rise in Defence thereof.

This Plea is set up as the main strength of those, that argue against the Doctrine of *Passive Obedience*. And my design is particularly to Discuss it, and to inquire whether the Precepts and Obligations to Passive Obedience, were given and kept, with an exception of these Invasions of Civil Rights, or with a design to bind under them, and as a Rule to Christians, whilst they suffered such Invasions.

This way of Warlike Resistance, is a very hazardous course, and thereby Men extremely expose their own

† Inquiry into the measures of Submission to the Supreme Authority, Art. 9. 12. Discourse about the Justice of the Gentlemen's undertaking at York, Nov. 1589. p. 4. 5, 6. 7. & others: Julian the Apostate, c. 9. p. 74. 92. And the Answer to Julian, p. 160. And several others.

Persons. And that which tempts them thus to hazard themselves, as the most serious are wont to profess, is their Affection for Religion. Like as that, which is given out to justify them therein, is its being made a Civil Right, or Legal Constitution. And I shall endeavour to shew them, that *Religion gets no good by it*: so they are mistaken in the way of shewing their Affection. And that *its being a Civil Right, will not warrant them therein*: so they will miss also of their Justification. The former I shall not pass over, without saying so much, as I think sufficient to undeceive the honest and well meaning. But the clearing of the later, is what I principally design.

C H A P. I.

No Arming against Sovereign Powers, in love for Religion.

TO take off the pretence, and temptation to war-like Resistance against the Sovereign Powers, for the sake of Religion, I shall shew in the first place, that *this Rising in Arms, is no wise expression, of Mens care and kindness for true Religion.*

Religion, is an internal thing. It doth not hang without us, as the things of the world; but is inward, in the mind. It is lodged in our hearts, and it doth dwell upon our Spirits. *The Kingdom of God is within you,* says our Saviour, *Luk. xvii. 21.* It consists in a *New Nature, and the Renewal of the mind,* says *S. Paul, Rom. xii. 2.* It lies in *Faith and Obedience,* which are Spiritual and internal things. Their Power, and Excellency, take life from, and are seated in the inner Man: though they are exprest and made visible, in the outward Conversation.

† Jo. vi. 3.
and 2 Cor.
v. 17:

And

And depending thus purely upon our own Minds, it may equally subsist under all the alterations of this World, whether Prosperity or Adversity, Peace or Persecutions. To believe, and to do Right, which is the whole of Religion, is alike practicable under all times, and in all Circumstances. And whether we shall do thus or no, is not in the power of others, but, under God, only of our own wills. This makes the rewardableness of Faith and Obedience, that they are to be the Oblation of our own good will, and we are to chuse them. It also shews the Excellence thereof, that, depending on our own will, nothing else, which can never force our wills, can rob us of them. These virtues, lodged in a truly good heart, are like a *Treasure laid up in Heaven, where no thief can break through, or steal*, Mat. vi. 10. No Powers, that can force away from us any outward things, are able to storm our Hearts, or force what is within us, viz. a *Good Conscience*, or that *Joy and Peace*, which is the consequent thereof. *Your Joy*, says our Lord to his Disciples, *no man taketh from you*, Jo. xvi. 22.

And from this, I shall note two Points fit to be considered in this case.

First, Others force, can never make us lose Religion. For no force can reach it, not being placed among things, that are liable to be forced away, but lodged in the Heart. Any outward force upon us, must stop at the outside of us: or, if it pierce further, it will force away our Lives, before it reach our Hearts. Nay, when it comes there, it may force our Hearts out of our Bodies; but it cannot force our Religion out of our Hearts, unless we please. Our Hearts, where Religion reigns, are only in the hand of God, and of our selves.

Indeed, Religion, whilst professed in this World, by the blessing of God, has oft much of the encouragements of this World. And these worldly advantages and

and encouragements, are subject to the same fate as all other worldly things, and may be taken away by violence. And the losing of what is worldly about Religion, in the eye of worldly Wisdom is the losing of Religion. It thinks Religion is gone, when the worldly Recompences, and Inducements about it are: and that to keep Religion in the Land, it must be sure to keep them here. And accordingly, when Persecution comes, whose business is to force away these worldly goods from Religion, it asks, What will become of Religion? But all this while it considers not, that Religion is a spiritual thing, which can subsist without these worldly encouragements: that it looks all at another World; and so can continue the same it was, when bereft of all the good things of this World: that, tho it may have things without it, yet is it none of them; but lives it self and is lodged within, where no force can come, but where it can keep whether outward Force will or no. What would these worldly wise men have said, had they lived in the days of *Christ* and his *Apostles*? For then they would have been called to embrace Religion, and at the same time to leave this World: and have seen Religion thrive, when it had nothing worldly about it: and all that Persecution can do at any time, is only to bring it into this, which was its Primitive State. But Religion is not lost then, but kept and upheld, and subsists as truly as it did the first day it appeared, and all the time it was growing up, and making its way over all that opposed it, in the unconverted World. This, in Christianity must pass for a certain Maxim, that, *The ill Arts, to keep off Persecution, may, and in Gods just Judgment ordinarily do; yet Persecution it self never shall destroy the Church.* Our blessed Lord has given us his own word for this; *The gates of Hell, i. e. all the powers of Darkness, shall not prevail against the Church.*

Mat.

Mat. xvi. 18. and Persecution is not of their main and strongest Arguments.

Yea, Persecution doth not waste, but improve and increase Religion. It destroys it, among worldly-wise men, who are driven from any thing by worldly Considerations. So that if any are religious only, or mainly from worldly motives, they will quit and give it up for worldly losses: and worldly Wisdom, rating who will keep, or who will forgo it, only on worldly prospects; it concludes Religion, if not quite lost, must needs be mightily brought down, almost to nothing, by Persecutions.

But is otherwise, in the eye of Spiritual Prudence. For that knows it, and say, to be seated in mens hearts, and free wills; and so to be without the reach of outward force and devastations. And that its genuine and proper supports, which it stands on there, are not the good things of this, but the future hopes and expectations of another World, which no Persecutors can take from us. So that when they have done their worst, and despoiled us of what is most valuable in this World, yet all that is still left, which Jesus Christ the Author thereof has offered to support it. Nay, that, instead of being abated, is heightened, by what they take from us. Because, the more we suffer for our Duty here, the more we are to hope, and expect to receive hereafter. The other world, which is to make men religious, and to support Religion, is not only as much, but a great deal more for us, when we are under Persecutions, than when we are under none.

Indeed Persecution, leaving no external visible support, is the truest Tryal of Pretenders to Religion, and discovers, who follow it mainly for the sake of what is not its own, viz. *Present Indemnity at least, if not recompence and encouragement;* and who, for the sake of what is, viz. *future and unseen Rewards.* They are a

Touch

Touch stone, to try Hearts and Tempers, that they who are approved, as S. Paul says in case of Heresies and Schisms, may be made manifest, 1 Cor. xi. 19. Accordingly in the Scriptures, we read of Tryals and Temptations, meaning Persecutions, 1 Cor. x. 13. Jam. i. 2. and of the fiery Tryal, or Furnace of Affliction, that

† In primis Deo digna, & ut
ita dicuntur, necessaria, ad
Probationem scilicet Servorum
ejus, sive reprobationem. Ter-
tull. de fug. in Persec. c. 1.

finer and purges the Gold from the Dross, 1 Pet. iv. 12. † Persecution is not only most worthy of God, but, as I may so say, necessary to him, for the probation or reprobation of his Servants, says Tertul.

And making this discrimination, it will lessen the number of the external Professors of Religion. It strikes off all the seed sown in thorny ground, which can be choked by the cares of this World, Mat. xiii. 7. 22. And those on the stony ground too, who have no sufficient Root of Religion, but too much of this World, and whose Root, lying almost at the Surface, is soon scorched and parched up when the Heat of Persecution comes,

¶ Pala illa que & munc De-
moniam arcam purgat, eccle-
siam scilicet, confusionem accu-
sationum fideliū evulsionem, fru-
mentationem idcirco, & palam
Negaturum. 20.

ver. 5. 6. 22. It is the Fan, as || Ter-
tullian says, that purges the Lords floor,
winnowing the Chaff, which till then is
a confused heap of Professors, and separa-
ting the Chaff, and light Corn from the
good Wheat, the nominal from the real,
the Christians of this World from those of a better.

But it takes off no Right Christians, who are not
Right, so long as any thing can make them desert their
Saviour, or any Duty of his Religion, when they are
call'd by him, so own and stick to them. If any man
love Father or Mother, or his own Life more than me, he
is not worthy of me. Mat. x. 37. 39. Luc. xiv. 26. If he
take not his Cross and follow me, he is not worthy of me.
Mat. x. 38. If he doth not bear his Cross and come after
me, he cannot be my Disciple. Luk. xiv. 27.

As for those who are right true Christians, Persecution perfects them. It takes them off from fleshly delights, and cures their inordinate love and complacency in, or hankerings after this World. It makes them sit loose to it, and have a generous contempt thereof. It heightens their pious Resolutions, instead of abating them; it doth not stop their Carier in duty, but enliven it. It begets in them a triumphant disdain of the Injuries or Reproaches, that are thrown upon them for doing a good thing; and a complacency in the Cross, instead of a displeasure with themselves, when it meets them in a good Cause. For in these Sufferings, having the support of God's Promises, the comfort of his Spirit, and the applause of a good Conscience; they are not only patient under their Lot, but satisfied with it: they do not only bear their Burden, but glory and rejoyce therein. *Blessed are ye, when men shall revile you and persecute you for righteousness sake. Rejoyce then and be exceeding glad,* says our Lord, *Mat. v. 10, 11, 12. Luc. vi. 22, 23. Count it not strange, but rejoyce, in as much as ye are partakers of Christs sufferings, that ye may be also of his glory. Under such Sufferings, happy are ye, for the spirit of God rests upon you,* says S. Peter, *1 Pet. iv. 12, 13, 14. Accordingly, says S. Paul, I take pleasure in necessities, in persecutions, in distresses for Christs sake, 2 Cor. xii. 10. and the Hebrews took joyfully the spoiling of their goods, knowing they had in Heaven, a better and more enduring substance. Heb. x. 34. A state of Persecution, is the most advantageous time for a Christian to appear perfect in; and passive Virtues, are the best Ornament, and most compleat Dress, wherein he can shew and recommend himself. He is never so good, so glorious, and great, as when he is bravely and undauntedly doing his Duty, and confessing under the Cross of Christ. Nay, put the worst that can come, that such a religious man be cut off, and dye for his*

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Religion,

Religion: yet even then must no man prophane^{ly} ask, *What is become of Religion?* For that is then become which should become of it, viz. to carry the Professors thereof to be everlastingly happy in Heaven. And by their dying for it, which is more, no hurt but good will come to Religion among those that survive.

For Persecution, as it perfects, so it spreads and propagates truly religious men. If Religion thereby loses out-side Professors, it gets sincere and faithful Followers. The Church loses not so much by the Sufferings, as it gets by the Examples of the holy and *blessed Martyrs*. For these strangely affect, and strike upon the Spirits of men. Their Faith, and Patience, and other noble Virtues, shew men the power, and excite their curiosity, and mightily dispose them to hearken, and inquire into the truth of what they suffer for. So that *Semen est sanguis Christianorum, the blood of the Martyrs was the seed of the Church*, as † *Tertullian* says they found by experience in the Sufferings of the ancient Church. These influenced, not only the weak, but the wisest persons, bringing in such as *Justin*, that renowned *Philosopher* and *Martyr*, to see and receive the Truth; the great occasion of his Conversion, as he* himself relates, being that Constancy and religious Bravery the Martyrs shew'd in their Sufferings. There is a witness in the blood of Saints, that begets Faith in Beholders: and therefore among the *Three*, that bear Witness to Christ on Earth, S. *John* reckons the blood for one; the Spirit, the Water, and the Blood, meaning thereby their Sufferings in his Cause. 1 Jo. v. 8. And S. *Paul*, noting the signs of an Apostle, who was to persuade and get belief in others, tells the *Corinthians*, they were wrought among them in all patience. 2 Cor. xii. 12. Their Sufferings, were one proof of their being Gods Ministers. In all things, saith he, approving our selves as the Ministers of God, in much patience, in afflictions, necessities, distresses,

† *Apol.*
c. vii. &
Justin.
Mart. ad
Diognet.
p. 498.
499 &
Dial. cum
Tryph. p.
337. &
LaB. l. 5.
c. 13.
* *Apol. l.*
3. 50.

firefles, and Persecutions of every sort, as well as *by the word of truth, and by the gifts of Miracles or the power of God, 2 Cor. vi. 4, 5, 7.* The Patterns and the Prayers, the passive Graces and Sufferings of the primitive Saints and Martyrs, as well as their Preaching and miraculous powers were a cause that spread Religion so strangely under the primitive Persecutions: instead of cutting off, it was really a Widener, and a true prolifick Principle and Seed of the Church.

Thus doth God turn this great rule of worldly Wisdom into mere Folly. In this, he absolutely *confounds the wisdom of the Wise, and takes the fleshly Wise,* as the Scripture says, *in their own craftiness,* and demonstrates how *the Wisdom of this World is Foolishness with God, 1 Cor. iii. 19, 20.* When Persecutions go to destroy the Religious, they do not pull down, but propagate and advance Religion. When they destroy and cut off some, they drive in more, and Religion gets new ones in their room. It loses none but out-side or insincere Professors, but increases in the number of hearty and upright Followers, who are the true honor of Religion and ornament of the Church.

From this I observe, how we must not say with worldly wise men, that *worldly ease and immunities are best for Religion.* Indeed, outward Peace and Privileges, are things very valuable and acceptable to its Professors, as their place of professing it is here in this World, and whilst they bear about them fleshly Natures. But, as we must thankfully value, and improve it, when we have it; so must we consider too, that Religion it self, and the Spirit, (tho the Flesh be of another mind) may be bettered by the want thereof. And therefore, that is but fit in this case, to leave God to take his own way, and chuse for us. And if at any time he is bringing Persecution on, 'tis not for us to step out of his way to keep it off, and excuse our selves by saying, *it is better for Religion.* For when was it

ever better for the Church, than in the *first Ages*, when they run thro the most, and sorest Persecutions? Is not that best for the Church, which makes the most and the best good Christians? And when were they more, or better, in the place where Christianity prevail'd, than in those first and persecuting Ages? Were not those times, a continual, and vast increase, of fresh Converts? And were not those Converts of much better and more Christian Lives, under this Discipline of Persecutions, than others use to be in times of Peace and secular Advantages?

And on the other hand, to abate the advantage of worldly Peace and Possessions, are not they too liable to carnalize and corrupt the Spirits of men? Do not the worldly Possessions, which were design'd to encourage men in the way and ministry of Religion, too oft steal their hearts away from it? and then, when a Persecution comes for any necessary Truth or Duties sake, instead of being a friend and support, are not they an Enemy within the Walls, to betray and deliver it up? The sad experience of such general and shameful Defections from religious Truths, to hold their worldly Possessions, made *Faustinus* and *Marcollinus* in their Book of Prayers to the Emperors, to call them * *Perniciosissimas possessiones*, most pernicious Possessions; yea & to wish, that the Church had never been possessed of them, that living after the manner of the Apostles, it might still have more inviolably possessed the integrity of the Faith. I know there are many great and valuable Advantages by worldly Possessions, for which the Church has great cause to be thankful to God, and all its Benefactors: but these, in trying times, are advantages only to wise men, who have rais'd Affections, and retain a true spirituality of mind, and contempt of the World, in the midst of all secular enjoyments; being, on such occasions, the greatest snare and bane to all others. So that the advantage pleadable from these, is only to those who can

* *Libell. Breuium*
p. 8.

*Quas utrumque
nam utrumque
quam possideret
ecclesia, ut
apostolice
more non
virescens
integram
inviolabiliter
possessionem
consideret.*
ib. p. 2.
Ed. Ox.

can let them go for Religion, and love God and their Duty above them. And when God sends Persecution, it is both the School wherein to shew forth this raised temper of mind, and wherein to improve and perfect it. 'Tis not for us therefore to say, it is better for Religion, but only for Flesh and Blood whilst they profess Religion, to be out of Persecution. For when God sees fit to send it upon his Church, as he always doth when they cannot shun it without Sin: he designs, and will undoubtedly effect it, to purge and purifie, to perfect and promote, true and acceptable Religion and Godliness thereby. And all that *loses*, is only mixt and mongrel Professors, and our own worldly and carnal selves.

Such, is the real importance of Persecution, to Religion and the Church. It gets more thereby, than it loses. It is deprived of nominal, mixt Professors; but augmented with better Christians. Tho it should shew fewer Professors; yet can it at such times produce more, and more perfect Saints, and Heirs of eternal Happiness. It takes from its faithful Followers, worldly things, not spiritual; present, not future. So that it destroys, or lessens it, only in the opinion of worldly minds or fleshly prudence, who look only at what is kept or lost of this Worlds goods and advantages: but advances, confirms, and multiplies it in the Opinion of the spiritually minded, and according to the estimate of true *Christian* Prudence.

Like to this, of others *Force* not making us lose Religion, is another Observation, of others *Force* not hindring the effect of our Ministry. This is wont to be one Plea at such times. For as the People are ready to say, they take Arms against their persecuting Prince, that they may not be deprived of the benefit of their Ministers: so among the Ministers themselves, are some tempted to stretch and go greater lengths in compliance therewith, than they think their duty allows, on
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* *Libell. Precum*
p. 8.

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ib. p. 2.
Ed. Ox.

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pretence of serving God, and keeping in to do good in their places. If we stick at this, say some, what will become of our Ministry, and the exercise thereof? and what way can we have, to do God service in our Stations.

Now, If this has any force at all, it seems to be against Gods own ordering, as if in this disposal of Providence, he had called us from a better way to a worse, and in debarring and discharging us from our former Stations, (as he doth, when we can no longer hold them without sin,) had summoned us to a less useful Post to serve him in. But a mind that truly and sincerely seeks to serve God, and not, under an hypocritical pretence thereof, to serve its worldly interests, will easily give him leave, when he sees fit, to change the scene of our service, and to chalk out and call us, as he pleases, to the place where, and the Station in which he will be served. And besides, the external force, tho it drive us out of our Stations, will not take us away at such times, from doing him service. For, besides what we have opportunity then to do for him, we may serve him more by suffering in a good way, than we ever should be able to do by keeping our Stations through a bad one. Nay, our sufferings for a good Cause, may be like to be of more real use and influence, than all our Preaching up the same Cause might be, without suffering. There is a Witness in the Blood, as I observed, and a persuasiveness in the sufferings of Martyrs and Confessors, which affects and convinces more, than any words or Sermons they could use. Let us then, on such occasions, take care to suffer *Christianly*, and leave it to Gods care to supply any want of us in our Stations, and to serve himself by our sufferings, more than it were possible for us to serve him by any other ways.

And as others Force, can never make us lose Religion: so neither

Secondly, *When Force and Persecution comes upon Religion, especially from our Governours, in the Eye of Spiritual*

ritual Wisdom, is our armed Resistance, or encountering Force by Force, a way to defend and preserve Religion.

If our Force be a way to preserve any thing at such times, it is the worldly appendages of Religion: *viz.* our Secular Profits, Civil Liberties, Powers, Honors, and other Advantages, which the Laws have conferred and settled in favor of the Truth, and given the Professors thereof a Title to. What it can have any pretence to, is to guard worldly things, possessed by Religious Men, as they are Members of this World, as well as Professors of Religion. And if it come in to guard worldly things, it is on the score of worldly Prudence, and is made use of by the Religious, not as *Religious*, but as *worldly-wise*. Tho, as to Publick Force for redress of Publick Grievances, however to the aggrieved, before they have tried, it may seem otherwise, I think it is a most unwise course: and instead of preserving what part of those worldly things was endangered, it brings all into much greater danger, and to secure one part, throws away several. Adding only this for our Recompence, that instead of losing and suffering a little, against the grain of our angry Passions; it throws us into the suffering of a great deal more, but in the pleasure and pursuit of them.

But as to Religion, it is *not outward Force*, but *Faith and Patience, Prayer and good Practice*, which is the way to preserve it. This may seem a Riddle in the Eye of worldly Wisdom, and pass not for the Prudence, but for the folly of Religious Men. But this *foolishness of God*, as the *Apostle* speaks, *is wiser than men*; and this seeming *weakness of God*, *is stronger than any boasted force of men*, 1. Cor. i. 25. And when their magnified ways, by Humane Confidences, and an Arm of Flesh, instead of preserving, betray and undermine the Religion they fight for, and these *worldly-wise* are not delivered by, as they promised themselves, but *taken in their own Craftiness*: this despised way of Faith, and Patience,

Patience, and good Prayers, which builds on God and not upon our selves, and which he counts wise, though they count foolish, is found not only to preserve, but to promote it, and to make it glorious and triumphant. Thus it did in greater Tryals and Persecutions, than any God has proved his Church withal in these later Ages. And it will still have the same effect, to those who dare trust God with Religion and themselves, and allow his Providence and Promises, to make up to them, what Humane appearances do to Carnal Politician. In your Patience, possess ye your souls, or preserve ye them, the word *concedis* sometimes, as Mat. x. 9. noting not our Possessing, but acquiring. *Per tolerantiam salvos facietis vosmetipsos*, as † Tertullian cites this place. That is, by your sufferance or patience, you shall make your selves safe, says Christ to his Disciples, when that Patience, seemed not the way to possess and preserve, but to expose them. Luke xxi. 19. *He that will save his life shall lose it; and he that will lose his life for my sake, the same shall save it*, said he in those times, when Mens necessities, would make them listen after all Human Arts and Devices, to save themselves. Luke ix. 24. *In returning and rest, shall you be saved, in quietness and confidence shall be your strength, your strength is to sit still*, said God by Isaiah to the Jews, when, in their distreis, they were promising themselves more relief from the unlawful aid of Egypt, and from tumultuary ways. Is. xxx. 7. 15.

This is to be taken off, indeed, from Human strengths, and staid on Providence. But that makes it only a greater tryal of Faith, not a weaker remedy and method of relief. For when all is done, the last and best security is Providence. And the surest way to fix that in our favour, is this of Faith and Patience. *Thou wilt keep him in perfect peace, whose mind is staid on thee, because he trusteth in thee*, Is. xxvi. 3. And the Word knoweth how to deliver the Godly out of temptations, who rely on him by keeping in his ways; and to reserve the unjust unto the day

† Adv.
Marc. l. 4.
c. 39.

mind of men, which are a revival of the old man, and most opposite to the very life and design of true Religion. So that Religion it self, is not like to have any good, more than the civil State is, by Wars. Its Professors, will in the end be worse by it, in their Religion, as well as in their Fortunes. They will come out, more opposite to God, and the Temper of Saints, and so be worse Christians.

Yes, not only as to its *moral Practice*; but even as to *Orthodoxy of Profession*, and *Purity of Worship*, Religion, instead of being reform'd and amended, by the just Judgment of God, and the natural course of humane Passions, is too oft made a great deal worse, by warring against our Governors. A spiritual defection many times accompanies a civil one; as the *Israelites*, with *Jerusalem*, fell off from God to the *Calves*, when they had revell'd from the house of *Solomon*. And in our late long civil Wars, when they rebell'd for Religion, by Rebellion against the King, was a strange defection introduced from Christianity; || some throwing out *the* Edwards *Articles of Faith*; some, *all the ten Commandments*; some, *the holy Scriptures*; some, *the calling and office of Ministers*; some, *their Tythes and Maintenance*; some, *the Lords Supper*; others, *Baptism, and all Ordinances*. In a word, among one or other of the *Sects*, Religion, instead of thriving and increasing, most lamentably suffering in its most important *Articles*, in the very essential and constituent marks, and the visible face and external appearance of *Christ's holy Church*. Gangrena pars 1. Ep. Delicia.

Such, in reality, is the difference between our suffering others Force in Persecutions, and our using Force our selves, by lifting Arms for Religion against our persecuting Rulers. We may practise all the parts of Religion, whilst they are forcing on; several that have no place in external peace and quietness; and all, with more perfection and honour than at other times: so that

in suffering the force of Persecution. Religion it self gets, whatever else loses: and its Rules, have more true and tryed, more perfect and triumphant Obedience, than they could have otherwise. But when we come to use force our selves, to defend Religion against our persecuting Governors, in this time of force, we lay aside the greater part of its Rules, and give a loose to all degenerate and vicious Tempers, utterly opposite to its habits: so that, whatever else gets, it loses.

And therefore in spiritual Wisdom, which wisely seeks the growth of religious tempers on the minds of men, and the advancement of Faith and good Practice, Religion is not to be defended, or preserved, by our taking Arms against its and our Persecutors. It would live and thrive, be preserved and prosper'd, by our suffering: but, when to preserve those manifold Privileges which are tick'd as it, we go to War, it is sure to be wounded by our fighting. *Jesus Christ*, who prescribed it, is styled, not the *Lord of Hosts*, or *God of Battle*, but the *Prince of Peace*, and the Gospel, which contains it, is the *Gospel of Peace*. So, 'tis our keeping Quiet, not running to Arms, that best suits it, and must do it good.

Of the Unlawfulness of taking Arms against the Supreme Power, in Defense of the Laws, and Legal Rights, and Liberties.

CHAP. II.

That the Subjects of the Empire hold no Rights.

HAVING said thus much, to show how far their running against their lawful Sovereign is from doing any good to Religion: I now proceed to the next place to show, that Religion's being *Anti-Lib*, and made a civil Right, will by no means justify them in so doing.

Their

Their Plea is, That the Scripture Precepts, of Obedience, and Submission, and not resisting higher Powers, but bearing crosses under them; were not design'd for Sufferers in all cases, but only for Sufferers according to Law. They forbid all liberty of resisting, not absolutely, say || they, *See the Author's cited p. 2.* to every man: but to him only, that has the Law against him; or, who suffers under a Prince, whose Will is his Law, and without any Law to cover him. But, where men suffer in their civil Rights; or, where Religion suffers, that stands by Law, and is taken into the Subjects civil Properties; especially where they suffer an invasion of most important Rights, or a breach upon the Constitution it self: those Precepts, they say, forbid not Resistance in such cases, nor were they given, or intended for any such Sufferers. And tho' the nature of Religion will not, yet the nature of civil Right, they think will authorize men, notwithstanding those Gospel Injunctions, to arise in defence thereof.

I take this to be a great, and most lamentable perversion of those Gospel Precepts, which were given to men that had legal Rights, and suffer'd the most illegal invasions of them. And to clear this point, I shall endeavour to shew, how under the most heinous and notorious Invasions, that oppressive Sovereigns have made upon Laws and Rights; God has still call'd Subjects to this Non Resistance. And how such Invasions gave no exemptions therefrom, either to the *Christians*, under the persecuting Emperors; nor to the *Jews*, under their Kings; nor is allow'd to exempt us, by our own Laws. Nay, if this plea, of *defensibleness of legal Rights*, can exempt us: I think it will be found, that a like defensibleness of natural Rights, would as well exempt all other Subjects, and so leave no such duty in the World, as *Passive Obedience*. There being a good Authority, to defend our natural Rights this way, against persecuting Laws; as there is to defend any legal Rights, against illegal Persecutors.

First,

24 *Of the Unlawfulness of taking Arms against the Supreme Power.*

First, I shall shew this of the Christians, under the Roman Emperors. And this I shall endeavour to do, with the more exactness; the Gospel Precepts of Submission and Non-Resistance, being, by our Lord and his Apostles, most indispensably enjoyn'd, and afterwards, during all the ten Persecutions, most carefully and strictly practis'd, under their Invasions.

First, to clear this point I observe, that there was a great, and most notorious Invasion of Rights and Liberties, when yet the Authority was own'd, and Non-resistance and Allegiance enjoyn'd, by Christ and his Apostles.

The Imperial Power became a legal Constitution, and was settled by Law upon Augustus, by the Senate and People themselves. His Country gave up the Care and Authority of the whole Empire to him, that for his Life he should have the power both of Peace and War, says

* Geog.
L. 17. sub
fin.

† Lib. 53.

* Strabo. This was, when in a fit speech in free and open Senate, he offered to restore and give up all the Power into their hands, both Arms, Bani, and Provinces, as † Dio reports. They had pass'd through a long series of civil Miseries and Distractions, through the Factions and bloody Wars of the great men, that appeared now plainly unavoidable under the popular form. And being made sensible thereby, of the great inconvenience of their former popular State, and of the sweetness of that Ease and Quietness, which all experienced under his Government: they all pray'd him with many words, laying before him many Arguments, at the same || Dio relates, that he would take the Empire, which he offer'd to restore back to them, upon himself alone. And thus, adds he, was all the power of Senate and People transferr'd upon Augustus, and confirm'd to him by themselves. The Emperors, as he farther notes to this purpose, received all the Power of the whole Commonwealth, by means of these Names, of Consul, Pretensal, Imperator, of the Pontifical

day of Judgment to be punished: it is, by just judgment and ill event on their ill ways here, as well as hereafter; as it happened, not long after this, with the Gnosticks, whom in the next words he describes, those most Carnal Politicians, and ungodly temporizers of that Age, 2 Pet. ii. 9.

Certainly, † says S. Chrysostom, speaking of this Pre-^{† Homil. 34 in Mat. in c. 16. Be ye wise as Serpents, &c.}scription of our Lord, which the profane Spirits of this Age call a Mountebank Receipt, or of putting on the Mansuetude of Sheep, and the Simplicity of Doves, when we are sent out in the midst of Wolves: certainly, says he, as many of us, as shew forth the Mansuetude of Sheep, shall easily overcome our Enemies. Yea, though innumerable Wolves compass us about on every side, we shall be preserved safe, and get the better of them. But if, instead of continuing like Sheep among Wolves, we turn Wolves, our selves, and put on wolfish Natures; then are we like to be overcome, as being left to our selves. For, then the Shepherd withdraws his help from us, who feeds and watches over the Sheep only, not over the Wolves. When thou turnest thy self into a Wolf, away be presently go, and leave thee, as one that reliest no longer on his strength, but beginnest to trust to thy own, and sufferest not his Power to be made manifest in thee. For when, being vexed with injuries, thou sufferest all with a mild and equal mind, not standing up to fight for thy self, but trusting to him to fight for thee: thou attributest to him the whole triumph of the day. But if, instead of suffering like a Sheep, thou shalt stand up to tear and devour like a Wolf, and go out and fight against the Army: by that thou hidest and darkenest the glory of his Victory. — Though this way of Simplicity and Patience, seem to Men the most unmeet to Cure, or Guard against our Persecutors violence: yet, says he, God that knows better, what is like he effecteth with Human Nature, than Men themselves do; knows that boldness is not wont to be broken and extinguished by boldness,

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 34. in Mat.
 in c. 16.
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but by mildness. And of course for plain explication in the holy apostles. When as oft as the people of the Jews rose against them, and sharpened their Teeth upon them, imitated the Devil, as our Lord requires, and by answering them with a becoming mildness and moderation, overcame their Anger, extinguished their Fury, and rewarded their busy and restless motions. For when they said, have we not charged you over and over, that you should not teach in this Name? Although they would have wrought infinite Miracles, yet they neither spoke, nor did any thing harsh and provoking, but apologizing for themselves with all mildness, said, whether it be just to hearken to you, rather than unto God, judge ye.

Such, as that good Father truly observed, is the prosperous issue of this course of Faith and Patience. And that when there is nothing promising in Human appearances, but all rests on Faith in God, or reliance on Providence. When the Sheep are to arm themselves, with nothing but Simplicity and Manifestation to the
 1 Ibid. midst of Wolves, what comfort can I wish to, can there be for them? Only the power of him that feeds them. Therefore this be first in the first place, let I find you. He that could have made them, that, as Lions, they should have struck terror into others; thought fit rather to order, that they should come as Sheep among terrifying Wolves: for that makes you more illustrious, and better declares my power and strength.

This I have here said, to note the wisdom and sufficiency of this way, of trusting God for Relief, by keeping to his way of Faith and Patience, when his Vice-Gerents Desert us: and not stepping out thereof into any forbidden ways, as warlike force, in trust to an Arm of Flesh, at the suggestion of worldly Providence. And though this is not wisdom, to those that look only at Human Appearances: yet it will be found so, by those that mark events, and the Ways and Rules of

of Providence. For God sets himself against this worldly wisdom, and turns it into foolishness, to take Men off from trusting in an Arm of Flesh. And speeds and prospers this other method of spiritual Wildom, by surprizes of Success, and invisible interpositions, and turns and ways never thought of till brought to pass; to call us all to rely on Providence, whilst, by confining our selves to his ways, we place our Faith and Trust in himself, as they who please may find more largely discoursed, in a Treatise of *Christian Prudence*, Ch. 8.

Thus, is Religion to be preserved, by Faith, and Patience, and Spiritual Methods; and not by Force: it cannot be taken by Force, and so needs not be kept by it.

Nay, instead of being preserved by Force, it is impaired thereby, when it is used in its behalf. They are much deceived, that think War will do good to Religion. Instead of that, the force and fighting of Religious Men, are the greatest violence to Religion. Tho it gets by the Force it suffers, it loses mightily by the Force it uses. When Force goes within it, and mixes with it, whilst it seeks to preserve the Shell, it consumes the Kernel, and pretending to Guard the Body, it eats out the very Heart of it.

For Religion it self, lies mightily in Love and Beneficence: *He that loves another, hath fulfilled the law*, Rom. xiii. 10. *A new commandment I give unto you, that ye love one another*, Joh. xiii. 34. *And by this shall all men know that ye are my Disciples, if ye have love one to another*, ver. 35. But, instead of Love and Beneficence; Wars and Fightings live all in angry passions, and doing mischief. It is shown in forgiving; that, in avenging Injuries. It, in doing good for ill; that, in doing all the ill men can. It, in mourning, with those that mourn; and rejoicing, with those that rejoyce: that, in mourning for the Mith, and rejoycing over the Cries and

Grief of others. It, in loving our Neighbour, as our selves; yes, our Enemies that hate us, tho without a cause; or, our Persecutors, that hate us for the best things: but that, in hating and persecuting all as Enemies, having no regard to good or ill, Relations or Strangers, Friends or Foes. That, is tender of all the Things and Rights, both of God and Men: this of neither, sparing neither things sacred nor profane, and counting all it can take its own, and Spoil and Rapine, Waste and Devastation, no wrong. That, is for saving of Lives, in regard to community of Natures, and reverence to Gods Image: this, for destroying them. By these, and many more that might be added, it appears how Religion is calculated for a state of Peace: so that whensoever War bursts out, and is put in practice, the greater part of its Duties are under suspension, and suffer Violence. I do not say it forbids all Wars: in compliance with the state and necessities of this World, on just and great Causes, it counsels and gives way to them. But this it doth by no means, as a way to promote it self, or advance the observance of its Rules, which are in so great measure no Rules at all, whilst War reigns. And therefore what it doth in this case, is only to tolerate it: it allows, but it doth not encourage, or persuade to it.

Besides, as the Liberties of War run counter to so great a body of its Rules; so, in time of War, there is also the usual restraint taken off, and impunity added to all Wickedness. They are, too often, then most in power, who are better Soldiers, than Christians; and have the least sense of Religion and Conscience. Then a shoal of irreligious Tempers, as Pride, Insolence, Hatred, Uncompassionateness, Anger, Revenge, Covetousness, Ambition, Neglect of the things of God and Religion, or open profanation of them: in a word, all vicious and corrupt Passions are superinduced upon the minds

Pontifical, and Tribunitial Powers, &c. which were used in the popular State, and which they now assume according to the Laws. — taking the Names, together with the Powers of the former Magistrates, upon themselves, that they may not seem to hold them by Force, but by the Laws. Thus, according to this noble Historian, did the Imperial Power become the legal Constitution and Government of the Roman Empire. And this was by the Royal

Law or *Lex Regia*, a Law past, as *Justinian* declares, about the Authority of the Emperor, whereby the People conferred upon him all their Power, and whence his *Placita* (as well as any *Leges*, *Plebiscita*, *Senatusconsulta*, &c. in their Law Books,) should have the force of Law. This Law gave him also the Prerogatives † of calling and holding *Senates*, of making *Leagues and Alliances*, of doing whatsoever he should think of use to the Commonwealth, or for the majesty of humane and divine things, with other particular Powers mention'd in a Fragment thereof upon its renewall to *Vespasian*, still extant in an *Inscription* on a *Brass Table* in the *Lateran* at *Rome*.

But after the erection of the Empire, and making it, as by the *Lex Regia* it begun to be in *Augustus*, a legal Establishment, several Powers still remain'd in the People and Senate. Publick business, and the chief of his private also, were treated of by the Senate. The *Consuls*, and the *Pretors* too, retain'd their Figure. The lesser Magistrates likewise, exercised each their several Powers, and the Laws, having only in Questions of *Treason*, were in good use, says *Facitius* of the Empire, as it had good
ad eam diem, viz. till the ninth year, or thereabouts, of the days of *Tiberius*. The *Senators* and the *Magistrates*, &c.

* Sed & quod principi placuit Legis habet vigorem: quum Lex Regia, quæ de ejus imperio lata est, populus ei, & in eum, omnia imperium suum & potestatem concedat. Instit. l. 1. tit. 2. 6.

† Faduſve cum quibus volles facere liceat — usque ei ſenatum habere, relationem facere, &c. Usque quacunque ex usu reſpondere, Majeſtate Divinarum, humanarum, publicarum, privatarumque rerum eſſe cenebris, ei agere facere ſui poteſtatisque ſui, ita ut Divus Auguſtus, Tiberio &c. ſint.

‡ Apud Jan. Gruterum Inſcript. Antiqu. p. 242. & Inſcript. de Caſar. Suetonio Annenſi Ed. Ox. ſub Veſpaſiano.

16 Of the Unlawfulness of taking Arms against the Supreme Power.

both their ancient Majesty and Authority preserved to them. And before them were brought, both the masters of Customs and Monopolies, of raising and disbanded Soldiers, of continuing Commanders, or nominating them for extraordinary Wars, and of answering the Letters and Ambassadors of Kings, † says Suetonius, of the way and administration of the Emperor, in the days of that Prince. By the || Tribunitia Power, the Emperor, indeed, could interpose, and, when he saw fit, with power of Negative stop any matters. Tho here also, † Suetonius notes the Temper and Moderation of Tiberius in his good years, suffering, and that without complaint, some things to be carried in the Senate, against his Mind and Suffrage. Albeit in most things, either about Men or Money, or whatever else, wherein they were to refer to the Senate, the Emperors, having such height of power in themselves, found the Senators very obsequious. But the Emperors, not content with this original Power, tho* mighty free and large indeed, as Tiberius tells the Senate who had confer'd it: But sought one after another, so stretch the Imperial Prerogatives more and more, till by degrees they had swallowed up most of that, which, by the allowance of the *Lex Regia*, at first remain'd, of the Powers and Prerogatives of the People and Senate.

* Prince
gem quem
vos tanta
ac tam
Libra po-
sestare in-
fernalis
Senatus
servire de-
bere. c. 29.

Nay, not content thus to inroach, on all that seem'd to carry any competition in point of Power: when they had taken from them, almost all the Authority of Governors, they would not permit them to rest safe in the Rights and Immunities of Subjects, or keep in their Administration, to the *honour Laws and Justice of the Empire*. For they were very heinous and notorious Invaders, of the Lives and Properties of the Roman Subjects, and those too of highest Dignity: as may appear to any, that will read the Lives of Tiberius, Caligula, Claudius, Nero, who sway'd all in the days of Christ and his Apostles.

But

But what say the Prince, and the Preachers of the Gospel of Peace, to the Subjects of the Empire, under these Invaders of Rights and Properties, or Ravishers of Liberties, as the phrase of some now is? Render to Caesar the things which are Caesars, says our Saviour to the Jews under Tiberius, towards the end of his Reigo, and in his worst times. Mat. xxii. 21. *Whoever resists, resists the ordinance of God, and shall receive damnation. Wherefore ye must needs be subject, not only for wrath, but also for conscience sake,* says S. Paul to those at Rome, Rom. xiii. 2. 5. And submit for the Lords sake to every ordinance of man, whether to the King as supreme, or to Governors, who are sent by him, says S. Peter to the strangers or converted Jews, thro Pontus, Galatia, Cappadocia, Asia, and those parts. 1 Pet. ii. 13, 14. And this charge he laid on them, and was instant in it, when their Countrymen were busily meditating a Revolt, which was abetted by those in the Provinces, as well as acted by those in Judea, as * Dia says; and that from under Nero, * L. 36. the work of invading Tyrants, and monster of men; this Epistle being writ, as Dr. † Lightfoot conjectures, in the eleventh year of Nero, when the Jews had begun those Comotions, the seditious spirits had been so long driving on, it being the 11 year before Cestius Gallus laid siege to Jerusalem, which a few years after was taken and destroyed by Vespasian.

† Harm.
of New
Test. ad
An. Ner.
11. Christi
65.
|| Joseph. de
Bell. l. 2.
c. 24.

These were the Rules of Christian Subjection, under all the aforesaid Emperors, whereby the Christians of that and of the ensuing Ages, were to govern themselves. And these do not teach taking up Arms against invading Princes; but passive Obedience or Non-resistance under them. And that at a time, when the Invasion of Rights, was most crying and notorious; and in the tenderest points, both of Life, Power, and Fortunes. And when they had not merely the nature of Right to plead, as implying a power, as some say now, of forcible De-

[P. 11.]

fence even against the Prince himself, should he offer to infringe it. But when also, || says the *Pastoral Letter*, (tho I think the *Lex Regia* and the erection of the Empire, had taken the force of that off) they had the *Lex Valeria* or *Valerian Law* to secure those Rights. That is, a Law of *Valerius*, from this, and other such like Laws passed in his *Consulship*, surnamed *Publicola*, as

* Dec. 1.

l. 2.

† *Vid.*

Paulum

Manut. de

Leg. Re.

p. 37, 38.

* *Livy* says: who, upon the Expulsion of the Kings, and change of Government to a popular state, † enacted, That it should be lawful for any one to kill him, who took upon him any Magistracy, without the Peoples order and consent.

And indeed, the meaning of all the Gospel Precepts, of taking up the Cross, Patience, and Non-resistance, must needs be meant of Invaaders of Rights, whether natural or civil, matters not much, as I shall shew afterwards. For where are the Crosses, what place for Patience, or what provocation to Resistance, under the Maintainers of Rights or righteous Rulers? There is difference between the Patience and Non-resistance of Criminals, and the Patience and Non-resistance of Christians. That is, when they suffer according to Right; this, when against Right: that, when they suffer for ill; this, when for good and rewardable things. *I, when ye suffer for your fault, ye take that patiently, what glory is it to you? But, if when ye do well, and suffer for it, ye take it patiently, that is acceptable with God.* 1 Pet. ii. 19, 20. So that to pretend we are for Passive Obedience, and yet, not to be for suffering, but resisting, when our Rights are invaded, seems as much as to say, we are always for it, but when we are call'd to use it. Good Kings, will not punish, but reward good men and well-doers; and that will afford, but very little tryal of their Passive Obedience.

Under the Successors of these Emperors, the Persecutions of the Christians, were carried on still by the breach of Rights. Not only the Rights of God, and Religion: as all their Persecutions, were a reverse of his Or-
ders.

ders, and usurping a Power to punish and torment his servants, for obeying him. But by a breach of the Rights of the Empire too.

To clear this I observe, that though the Roman Emperor, had a very large and extensive Power, much wider than is enjoyed by our Kings, and as absolute by the *Lex Regia*, as could well consist with the Government of a Free People: yet was this Imperial Power, to be administered by stated Laws, and to consist with popular freedoms and immunities.

In several things, the Emperor was bound up to the consent of the Subject, not having a plenary Power to act alone, without the concurrence of the Senate. Such was the Consecrating of any new God; which, as † Tertullian † Apol. p. 6. c. 13. notes, was not to be done, nisi à Senatu probatus, without the approbation of the Senate. On which account, though on the credit of Letters he received out of Palestine declaring his Divinity, Tiberius was for it; and brought it into the Senate, as that Father observes, with the prerogative of his Suffrage; yet, the Senate refusing, our Saviour Christ was not admitted into the List of the Roman Deities. To say nothing now, how, by the Original Constitution, he was to bring before them several great matters of State, as about raising Taxes, and Soldiers, and answering Ambassadors, and the like, as I observed before. Such also was that Creation of Magistrates, reserved at first || by the *Lex Regia* to the Senate and People, (the Emperor, as Head of the Senate, giving his Suffrage,) which Tiberius first † took away from the People in the Assembly of their Tribes, to restrain it to the Senators, as is observed by Tacitus; and which Caligula was afterwards for restoring to them, as we are told by || Suetonius.

¶ *Utrique quos Magistratum, Potestatem, imperium, Curationemve cuius rei potentes, Senatus populusque Ro. commendaverit, quibusque Suffragationem suam dederit, promissorie, eorum Commisiss quibusque extra ordinem ratio habetur.* Inscript. Tab Lateran.

† *Primum primum è campo comitia ad Pastra translata sunt. Nam ad eam diem, et si* Tacit. An. l. i. p. 29.

missima arbitrio Principis, quadam tamen studiis tribunal se habuit. Tacit. An. l. i. p. 29. Ed. Gryph. || In Calig. c. 15.

The

The Imperial Power was Established by Law in *Augustus*, on his Speech to deliver it up to the *Senate and People*, as I shewed before. And cannot be thought to have been such a Power, as should set aside all their Laws, since in that very Speech he exhorted them firmly to retain, and make no change in their received Laws, as *Dio*

[Lib. 53. || says.

And after it was set up, to profess and bear out their Liberties as Free Subjects, and their not coming thereby into a state of Servitude, or subjection to mere Will and Discretion as the Emperors Slaves, the *Romans* would not give, nor the Emperors, as † *Augustus*, || *Tiberius*, &c. receive or admit the Title of *Domini* but of *Principes*, not be stiled *Lords*, but *Princes*. They had erected an Imperial Sovereignty, which should proceed according to *Roman Laws and Liberties*: and so would not look upon their Empire, as a Regality, which in their ordinary account spoke a Government more absolute, and inconsistent with Popular Rights and immunities. So in *Caligula*, who was for wearing the *Regal Diadem*, † *Suetonius* taxes it as an high enormity, that he was for changing the *Fashion of a Principality*, into that of a Regality.

[In Calig.
c. 22.

Nay, the Law it self declares the Imperial Power, to be a limited Power, and tied to go by Laws, and with regard to Legal Liberties. || It is a voice

[Digna vox est Majestatem
Regnantis, Legibus obligare
se Principem professi. Cod.
li. Tit. 14. De Legibus, Sec. 14.
† Nihil tam proprium Im-
perii est, quam Legibus obor-
te. Cod. lib. 6. Tit. 13. de
Vestam. l. 3.

worthy of the Majesty of one that Reigns, to profess himself tied to go by Laws, says the *Roman Law*. And again, † Nothing is so much the Property of Empire, as to live and go by the Law. Agreeable to which, is the saying of *Secutus*, who,

from his being an *Advocate*, was stiled *Scholaſticus*: who says of *Maxentius's* illegal outrage, killing without Process, and otherwise illegally oppressing the *Romans* by a Yoke of *Tyrannical Servitude*; that it was treating them in the way of a Tyrant, not of a Roman

[Suetonius calls him a Tyrant.
as Seneca calls him a Tyrant.

Soc. Hist. Eccl. lib. 1. c. 2.

Emperor.

Emperor. And that also of Tertullian, well skilled like-
wise in the Roman Laws, who tells the illegally oppres-
sive Magistrates and Grantees of Rome, † This Em-
pire, wherof you are the Ministers, is a Civil or Politick,
viz. as proceeding by Laws and Right: not a Tyrannical
Domination, wherein all is left to the Lust of those that
administer it.

† Hoc im-
perium,
cujus mi-
nistri es-
tis, Civilis,
non
Tyrannica
Domina-
tio est. Ap-
pol. c. 2.

The Power of the Emperor, was a Complex thing;
integrated of the Consular, and Proconsular, the Tribuni-
tian, the Censorian, the Imperatorian, the Pontifical, and
other Branches, wherinto the Power and Polity was
divided, under the Democracy or Common-Wealth. All
these Powers, saith || Dio, as they were by Law Established
in the Democracy, do the Emperors take to themselves, to-
gether with the names, that they may appear to have nothing,
but what is freely given to them; — and so hold them,
not by Force, but from the Laws.

† rāōn
Ab eo in
dnuar-
das, &c.
Dio l. 53.
p. 581,
582.

Now all these, were Legal Powers, and so be admi-
nistrated according to the direction of the Standing Ro-
man Laws. † As the Magistrates are to
Rule the People, so are the Laws to Rule
them, says Cicero. || They are bound to go
by Laws, says he again. And the better
to secure their maintenance of Laws,
they took an Oath to proceed by them,
when intrusted with the Execution
thereof. The Judges must observe the
Laws, being obliged by Law to swear they
will do so, before they can take their place
in Court, as † he elsewhere observes.
The Foundation of the Roman Liberties,
says || he, was laid on this, that they
were Masters and Disposers of their
own Rights. And these Rights, they
could not be deprived of by Will
and Pleasure, but by Judicial Process.

† De Populo presunt ma-
gistratus, ita Magistratibus
Leges. Cic. de Legib. lib. 2.
initio.
† Ipsi Legibus teneantur. id.
Orat. 8. quia est in Verrem.
c. 12. in fine.
† Judice, qui ex Lega ju-
rans iudicatis, Legibus obtem-
perare Debet. l. 1. De In-
veniente. §. 6. so called su-
ratorum Dominum Orat. 5. be-
cause iurare in Legem iudica-
tur. Iohann. Gothofred Not.
in loc.
† Hec sunt fundamenta fir-
missima nostre Libertatis, sua-
queque iuris & retinendi
& Dimittendi, esse Dominum.
Orat. 35. pro Cornel. Balbo.

† This.

* Hoc nobis esse à majoribus traditum, hoc esse semper proprium Libere civitatis; ut nihil de capite civis, aut de bonis, sine iudicio senatus, aut populi, aut eorum qui de quoque re constituent iudices sint, detrahi possit. Id. Orat. 29. Pro Domo sua ad Pontif.

† This we have received from our Ancestors; and this is the Property of a free City, that nothing shall be diminished from the Lives or Goods of any Citizen, without our Judgement or Sentence first pass'd, either by the Senate, or People, or others, who, in any matter, are the established Judges. Which Judges, in passing those

Sentences or Awards about them, were bound, as he has told us, to proceed by the known and stated Laws.

And therefore when the Emperors received all these Powers, as Consular, Praconsular, Tribunitial, &c. they received such Powers, as were under the Regulation

of Laws. And accordingly Dio, speaking of that Plenitude of Power carried in the fortification'd Tuller, where-

by they had Authority, as he says, to raise men and money, to make Peace and War, &c. goes to put to death even

Knights and Senators themselves, and that within the Power of the Praetors of the City: notes, that this was now lawful for them, in like sort, and under like Regulation only, as before it had been lawful for the former

Magistrates. They may by Law do all these things, † saith he, and all other things, which it was before lawful for the

Consuls, and other Magistrates, that had full power, to do. They were Sacerdotes, indeed, as he there says, and

so without Process could they say Μαναις εναντιον, as a Piracle or Devoutum Caput, that hurt them either in word or deed. But this was a privilege under the Regulation of

Laws, nor superseding Process in ordinary course of Justice, but only in case of Violence to their own persons; and had formerly appertain'd to the Tribunes, (as

now from them it pass'd to the Emperors, since on them the Tribunitial Power was devolved) whilst the Laws are

allow'd to have been in force, and the ordinary course of Administration to have been according to them. It being stood upon by the Counters and perjurators, Leges

by

by the sacred Law establish'd, as || Livy says, at the first
creation of the Tribuni Plebis, that they should be Sa-
crofanti Magistratus, a Sacrosanct Magistracy. That is,
such as no man could violate, but the
Sacra Lex did * *sacrare caput cum bonis*,
as the same Livy † says was decreed a-
gainst the Affairers of Empire by the po-
pular Law of Valerius; viz. || Cursed him
to Hell as a Devoted man, so that it might
be lawful for any one to kill him.

* *Sacrosanctum - sanctione
pona, cuius caput ejus, qui con-
tra fecit, consecratur.* Cicero
pro Cornel. Balbo Orat. 35.

† *Ibid. lib. 2.*

|| *Vid. Macroh. Sat. l. 3. c. 7.
p. 319, 320.*

They were also loose from the Laws. *Νέκυται δὲ τῶν
νόμων*, † says Dio, and *Princeps Legibus solutus est*, saith
the † Law. That is, they were loosed from all such Laws
of the popular State, as were against Monarchy; and incon-
sistent with their Imperial Sovereignty: but not from those
Laws, which concern'd it in all the parts thereof, and
ordered how each of them should be admistred. So
in one Clause of the Lex Regia it self, as it is in the
forecited Lateran Table, as on the one
hand it is decreed, that * *From what
Laws, and Plebiscita, it was ordained, that
the Emperors Augustus, Tiberius, and
Claudius should be loosed; from those Laws
and Plebiscita, let the Emperor Vespasian
be loosed.* So is it decreed on the other,
that *What things soever, by what Law or
Asking soever, the Emperors Augustus,
Tiberius, and Claudius [sicere oportuit] was bound to
do, let it be lawful [facere liceat] for the Emperor Ve-
spasian to do them all.* It puts *licet* in Vespasian's Case,
for *oportuit* in Augustus's, &c. for Deference and Respects
sake; and to note, that, tho equally bound as they;
yet if he fail'd, he was not under Coercion, or by any
Superior compellable thereby.

* *Utrique quibus Legibus,
Plebeiorum scriptum fuit,
ut Divus Augustus &c. con-
ventur: ita Legibus, plebisque
scitis, Imp. Caf. Vespasianus so-
lutus sit: Quaque ex quaque
Lex, Regatione, Divum Au-
gustum &c. facere oportuit, ea
omnia Imp. Caf. Vespasiano fa-
cere liceat.*

† *lib. p. 582.
Digest.
lib. 1. tit. 3.
l. 31.*

Or, the Emperors were loose in respect of other Laws,
from the Restraints thereby, as Subjects, in their private

actions. To this, I think, that Rule, of *Princeps Legibus solutus est*, refers. And therefore in that Law it is declared, not only to be the Privilege of the Emperors,

* *Princeps Legibus solutus est. Augusta autem, licet legibus soluta non est, Principes tamen eadem illi Privilegia tribuunt, quae ipsi habent.* Lib. 1. Dig. Tit. 3. l. 31.

† *Expetat quid concedatur in alio*
Quorum Flammina tegitur cinis
argue Larina.

Jur. Sat. 1.

† ad En.
11.

* *Florum*
Spasio
ad jus Fu-
stem p. 87.

† *Ex im-*
perfecto
Testamen-
to nec im-
peratores
heredita-
tem vici-
dicare pos-
se saps
constitu-
tum est.
Cod. lib. 6.
Tit. 23. de
Testam.
l. 3.

but to be communicable by them to the Emperesses. * The Prince is loose from the Laws. But the Emperess, tho she is not loosed from the Laws, yet the Princes give her the same Privileges which they have themselves. Thus, as to place of Sepulture, when not allow'd by Law † within the City: yet, Imperatores, & Virgines Vestae, quia Legibus non tenentur, in Civitate habebunt sepulchra; The Emperors, and Vestal Virgins, being they are not bound by the Laws, shall have their Sepulchres in the City, || says Servius. Or, their looseness from Laws, was from the punishments of Laws, or not being coercible by their Penalties. Thus Harmenopolus expounds it, by *disponit* & *non tenetur*, i. e. The Prince is loose from the Laws, because not punishable by any on Earth when he breaks them. And so as * Grotius observes, doth S. Ambrose too, who had been a Judge of the Empire, in his *Apologia Davidi*. Rex utique erat &c. i. e. He was a King, and so not bound by the Laws, because Kings are free from the bond of their offences. For they cannot be called to punishment by any humane Laws, being secure by the Authority of Empire.

— But tho thus loosed, from the direct Authority and Restraint of Laws, in their private Actions; yet were the Emperors tyed to Laws, as well as others, and to have only what the Law gave them, in any claims of Rights and Properties. † If the Testament is imperfect, and not valid, the Emperor himself cannot claim the Inheritance thereby, as has often been determined, says the Law. Tho loose from all Coercion, and suffering punishment by them, as Subjects: yet were they not loose from the tye, of administering by them, as Rulers; it being

being a voice worthy of the Majesty of one that reigns, as to this matter, as I noted from the Law before, to profess himself a Prince, not left to Rule at Will, but *tyed to the Laws*. The Emperors were to Rule, and administer Justice, not after their own Will and arbitrary Pleasure, but at *Dominatio Civilis*, as I observed from *Tertallian*, or according to *Laws*, till they were taken off by regular Repeals. And what possession they had of the Legislative, was to be Legislators to a Free People. Tho' altering in other matters, as might make most for the good of their Subjects; yet having no Power to vacate those Laws, which were the Guard of Roman Liberty and Property. They were not free by Law, to make the *Free born Romans*, *Slaves*; or ordain any thing, but what was suitable to a People of Free condition.

For the Roman Subjects, had both their *Laws* and *Customs*, their *jur scriptum* and *non scriptum*, written and unwritten Laws, as || *Justinian* calls them. They were not as the Emperors Slaves, who, as 'tis in the * *Institutes*, have no head in Law, nor can acquire or receive any thing for themselves, but all for their Masters. But, as Free men, had their several Properties, and were Masters of Estates, some vastly great, and others less, according to their several Degrees and Qualities. Whereof they could dispose, as Proprietors, by Sale or Gift, either in their Lives, or by their Testament at their Deaths. They had their Rights and Freedoms, and distinct Steps and Degrees of Immunity and Privilege; some, having the Rights of Liberty; others, of Citizens or of the City, which *Augustus* was careful to keep in great pride, and disposed so very sparingly; others, of Dignity. And in Dignities, the several Degrees had their proportionable Privileges and Exemptions. And, indeed, since the Romans were such unmeasurable Affectioners of Liberty, and prided themselves above all the

|| *Instit.*
l. 1. Tit. 2.
¶ l. 1. Tit.
16. & l. 2.
Tit. 9.

† *Suavian*
Ang. c. 20.

Liberty, and the singular Right and Privilege of our City, secured to us by the *Lex Porcia* and the *Lex Scæponia*, which no Praetor, or other Person whatsoever, should impudently transgress. Another of their Rights and Privileges, was not to be condemn'd unheard, or suffer without a Trial: which was not only the Law of Rome, but of all civiliz'd Nations. * No Malefactor is to be condemn'd till he has first been accus'd, and had his Trial, says *Cicero*. And the Law of the twelve Tables, forbids interfectum quæcumque hominem, any man to suffer before bearing and Condemnation, as † *Salvian* notes. Not to mention the Lenity and Temper in other Respects, which || *Cicero* observes of the Roman Law towards accus'd Persons.

* Necens, nisi accusatus fueris, condemnari non potest. Orat. 2. pro Sexto Roscio. † De Prov. 1.8. in fine.

|| Pro Dom. no sua ad Pœnisi. Orat. 29.

These, were popular Rights and Immunities, not only under the Commonwealth, but afterwards under the Emperors. *S. Paul* pleads them under *Nero*, and tells the Chief Captain he had infringed his Roman Privileges, and acted illegally by him, both in binding, and scourging him being a Roman, and in inflicting all this upon him unheard, and before Condemnation. Is it lawful for you, says he, as they bound him with Thongs, to scourge a Man that is a Roman, and uncondemn'd? And the Chief Captain was afraid, because he was a Roman, and because he had bound him. Act. xxi. 15, 29. The like plea of Privilege he also makes, and therewith put the Invaders thereof in fear, upon a like Violation of these Rights of a Roman Subject, before the Magistrates of *Philippi*. Act. xvi. 37, 38.

Another Privilege, of the Free Subjects and Citizens of Rome, was that Person of Honour, as the *Decurions* or *Senators* in any of the municipal Courts, but especially the Chiefs of the City, as those of the Title of *Egregii* and *Perfectissimi*, should not, unless in some special Cases, as of Treason, be examin'd by Torture. As it was moreover, that a Man's Servant should not be put to the

Torture.

* D.
Mart.
Perfec. c.
21. 23.

Torture to satisfy his Will his Masters. Both which, as well as Bonds, and Stripes, and Crofts, towards Romans, *Laetantius* cries out of in *Galerius*, as Violations of Roman Liberties, and calls a treating of them by a Right of War as Captives, not as Roman Subjects, but as Persian Slaves. And the like might be shown of others; but it would be too tedious to recount particulars.

Thus, to insist on no more instances, which were very numerous, both to Persons and Places, were the Subjects of the Empire under the Protection of Laws; and in the legal and customary enjoyment of Freedom and Privileges. The Administration of the Emperor, was to be according to the Laws and Liberties of the Empire. He owed his Power to the Law.

† *Digna vox in Maiestate regnantis. Legibus, aliquarum se Principem praestare. Ad de auctoritate juris iustitiae dei Auctoritas. Cod. l. 1. Tit. 14. de Legibus &c.*

On the Authority of *Law hangs our Authority*: So that 'tis a Voice worthy of the Majesty of one that reigns, to profess himself tied to Laws, say the Emperors *Theodosius* and *Valentinian*. And as he had his

Power by Laws; so had they too their Rights and Privileges in these, and many other instances. Yea, these Rights, the Law would defend them in, against the Emperor himself. For, by the Rule of the Roman State, and by the practice of it, not only all the days of *Augustus*, but all the best days of the Reign of *Tiberius*, they had the Protection of Law for their Rights and Properties, against their Prince, as well as against their Fellow Subjects. If the Emperor

‡ *Si quando cum Privatis disceptaret, forum Civis. Tacit. An. l. 4. p. 102. 22. Capitol.*

[*Tiberius*] || says *Tacitus* and any private man had any Dispute, the Law and Courts were to decide it. He was to have no more, than what the Law allow'd him.

* *Ex imperfecto Testamento nec imperatorem heredem vindiicare posse super duntaxat est. L. 2. de Testam. Cod. lib. 6. Tit. 23.*

If the Testament be illegal, the Prince cannot inherit by it, as has often been decreed, says the Law. So that, altho the

Imperial Power was very large, yet was it not without its

its Bounds, and by Law should comport, with popular Rights and Immunities. And this Point of the Romans being *Free Subjects*, that have Rights and Properties, under a *Civil and Politick Power*; not *Slaves*, which have none, under a *Despotick*: made a wide distinction, betwixt the way of a *Roman Emperor*, and a *Persian Monarch*; as *Lactantius* † notes against *Galerius*, who affected to Rule the Free born Roman, in way of *Serquitude*, like Eastern Kings.

† De
Mort.
Perfor.
c. 21.

And therefore, when the Emperors, after all the Powers of Senate and People, had by Law been transferr'd on them, were styled *absolute*: that is, not as being loose in their Administration, from all Laws, or popular Immunities. But from that Dependance, wherein others for a limited time had held these Powers, whilst they were parcell'd out among many Magistrates, in the Freedom of the *Roman State*; and from all Sharers and Partnership, either of People or Senate, in their Imperial Sovereignty and Government. Yet still so, as to be Governors of Free born Subjects, not of Slaves. And to administer the several parts of their Power, by the Laws of the Empire; as the other Magistrates, ere it was taken out of their hands, had done before. Especially, whilst those Laws were in force, and before they themselves, when possessed of the Legislative in such sort as might consist with the Liberties of a Free People, had alter'd or revoked any that were legally revocable, by *Regular Repeals*. Whilst any Laws were in force, those Laws, as I noted from *Cicero*, were to model the Courts, and guide the Sentences. And *S. Ambrose* afterwards, who had himself been first an *Advocate*, and then a *Judge of the Empire in Civil Affairs*, says, *A good Judge doth nothing of his own will or private choice; sed juxta Leges & jura pronunciat. Sicut audit, ita judicat — obsequitur Legibus, non adversatur.* i.e. but pronounces according to the Laws. As he hears,

In Psal.
118. O-
ben. 20.
p. 520.
Jo. 1 Vol.

so be Judges — *he follows the Laws, never opposes them.*

Yea, even the *Persians* themselves, whose Princes did so exceed in Prerogatives, yet in the height of their absolute Power, were not loose from inviolable Laws, however few those Laws were, or free they were from being call'd to account, for any Breaches of them. For the Scripture tells us, of *the Laws of Medes and Persians*, which alter not. *Ellii. i. 19.* and *Dan. vi. 8, 12, 15.* And when the *Princes* had got one of these Laws, to destroy *Daniel*; we see, when his heart was the most set upon it, it was not in the Power of the *King himself* to save him. *Dan. iii. 14, 15, 16.*

Thus were the *Roman Emperors*, not merely arbitrary, but limited Governors, who were to Rule their People according to *stated Laws*. And the *Roman Subjects*, were privileged Subjects, who lived under the Benefit and Protection of *Legal Rights, Freedoms, and Properties*; for which they had as good Law, as the Emperor had for his Prerogatives, and whereof they could not be depossessed, without Violence to the Law and legal Constitution, whereupon the Emperor himself stood. And this I have taken the more pains to clear, because one main Foundation of the Advocates for Resistance, is, the supposed absolute Power of these Emperors. They own the Scripture Prohibitions of Resistance, which no man certainly can deny, till he has ei-

† Discourse
about the
Justice of
the Cause
understand-
ing as
York. p. 6.

ther lost all Modesty or Understanding. But † they say they are not to our purpose, nor suit our Case, because their *Kings and Emperors Wills* were their Laws, and their People had no *Magna Charta* or Records of Liberties to show, as we have. So that the *Frame of the Government* warranted all those *Commands* that had the *Royal Pleasure*, and the People could plead no legal Injustice. Whereas, in truth, their *Emperors*, as I have shown, were tyed to *Laws*; and the *Subjects* had *legal Rights*, (you and those not coming from the *Emperor's Grants*, but

but antecedent to them in virtue of their ancient Laws, which were still reserved and kept on when his Imperial Power was first given; and so were capable to suffer illegal Injustice, as any other privileged Subjects of legal and limited Governments, may do.

CHAP. III.

Of Invasion of Legal Rights, under the persecuting Emperors.

HAVING said thus much in the foregoing Chapter, to prove the Subjects of the Empire had legal Rights; I now proceed in this to shew what Invasions were made upon them, to try their Passive Obedience under these Emperors.

Now the foremention'd Rights and Immunities of the Christians, as they were Roman Subjects, and the common benefit and favour of the standing Roman Laws, were invaded in the primitive Persecutions. I do not mean, Laws for Christianity; our holy Religion not being like to have any establishment of Laws, whilst the Emperors were Heathens. But Laws for Liberty, and Property, and common Justice, as Roman Subjects. Admit it was criminal by the Constitutions of the Empire, and that the Christians, did not only want Laws for Religion, but had Laws against it: yet had they just ground for this Complaint, because, when indicted as Criminals, they were not permitted, as || *Tertullian* says, to suffer only according to Law, as other Criminals, or have their own Justice of legal Tryals. For the cruel Emperors, and their Presidents, in persecuting the Martyrs and Confessors, infringed their civil Rights, denying them the Justice of Laws, and Legal Claims, and treat-

ing them contrary to all Forms of Justice, which were as much their Birth-right, as any of their Fellow-subjects.

1. To be tortured for Christianity, when they confessed it, was absolutely against Law. For the legal use of Torture, was only as a means of Inquisition, to force Confession. It was not the legal Punishment of the Fact, but only the legal means of Discovery, and bringing it to

light. By your Law, Torments are not used for Punishment, but only for Inquisition, says * Tertullian. Their intent, was only to extort the Truth, and the Ministers of Law, who made use thereof, were only † Veritatis extorquende Presides, or Presidents that sate thereby to force out the Truth. So that by Law, they were never to torture Confessors, but Denyers. || If you would keep to your

own Laws, saith he, to the Orders of Senate, or Constitutions of Princes, you should torture no man longer, than till you have made him confess. And therefore when the Christians confessed their Accusation, as they frankly did when brought in question for the Faith of Christ, to torment them on still, was most illegal. It was an utter

perverting of Law. * Minutius, who was himself an Advocate and Pleader in their Courts, calls it exercising peruersam Questionem, a perverting the real design, and legal use of Inquisition. And before him Tertullian, expert also in the Roman Laws, † tells them this course was, tormentorum officia mutare, to change the Office and use of Tortures. It is such a

peruersion, || says he, as makes the very Ministers of Law and Justice, to minister against both, to overthrow Laws, and the true nature and common form of Judicature.

* Tormenta non pro pena adhibentur, sed questionem extorperant. Apol. c. 2.

† Ib. & ad Nationes lib. 1. cap. 2.

|| Vestram illam serpare Legem, usque ad Confessionem. Hoc leges iubent, hoc Senatus Consul, hoc Principum decreta definiunt. Apol. c. 2.

* In Officio
p. 31.

† Ad Ne-
potes & l.
c. 2.

|| Ista Peruersio — qua
non aduersus Persecutorem, aduersus
Naturam iudicandi, sed a
ipsius quoque Leges ministrat.
Apol. cap. 2.

But this most tyrannical and illegal Method, was the way they took with the *Primitive Confessors*. When they professed themselves Christians, upon Judicial Accusations, their Persecutors tortured them to make them deny it: and still, the more bravely and resolutely they Confessed, the more barbarously were they tortured. When, in the Case of all other Criminals, † says *Tertullian*, you urge the Deniers by Torture to Confession: the Christians, when they Confess of themselves, you press by Torture to deny their Accusation. *Crudelius sæviebamur*. || says *Minutius*, *ut torqueremus Consistentes ad Negandum*. Quite contrary to what they did with others when accused, they put them to the Question for Confessing: and the more they Confessed, the more barbarously the others raged, and the more cruelly they Tortured them. Here then, the *Praetors*, and the *Presidents*, in all the Cities and Provinces, who in the Persecutions sat to Judge the Christians by Law, Tortured them against Law. And this breach of Law and Privilege, was in a Point the most dear and tender, of all others. For Life, and Member, are by far the most valuable Rights and Freeholds. And under these illegal Tortures, many expired, being Murdered by these wrongful and illegal Executioners. And if they survived the Torture, to Dye by a more formal stroke, the illegal Torture was much worse, and more terrible to bear, than the Death it self was. The Pains of Torture, were not less exquisite than the Pains of Death, but much longer. And it was a greater, and more tedious tryal of Patience, to bear the Rackings, and Tearings, and Burnings of the Flesh, and other most exquisite and studied Pains of the Tormentors: than, in the last and Capital Punishment, to endure the sudden Stroke of the Sword, or the Teeth of the Bears and Lions.

2. Again, in Judicial Tryals, Not to be heard in their own Defence, and permitted to speak for themselves, was absolutely against Law. *Inauditos, & indefensos*, as

† *Ad Nationes* l. 1. c. 2.

|| *In Oratione*, p. 31.

† Apol.
c. 2.

Tertullian † tells them, *non licet omnino damnari.* It is not the manner of the Romans, said *Festus* to the Jews, to deliver any Man to die, before he which is accused, have the Accusers Face to Face, and have Licence to answer for himself, concerning the crime laid against him. Act. xxv. 16. Nay, to deny them, not only the liberty of speaking for themselves, but the benefit of Advocates to speak and plead for them, was an illegal thing. This was a Provision and Allowance, which Law, and the Custom of the Courts, had made for the greatest Criminals. We were used to undertake the Patronage and Defence, of the Incestuous, jea, of the Sacrilegious, of Murderers and Parricides themselves, says || *Minutius* the Lawyer. † Whatever ill is charged on us, (as the Heathens presumed the Christians Guilty, of Impiety, Sacrilege, Treason, and incestuous mixtures, &c.) when the same is judicially charged on others, they have liberty both to speak for themselves, and to Fee Advocates to make out their Innocence: there is freedom to an-

† In Octav. pag. 31.

Quodcumque Dicimus, cum aliis Dicuntur, & proprio ore, & mercenaria advocations utuntur, ad innocentiam suam commendationem respondendi, altercandi facultas patet; quando nec licet inoffenso & inauditis omnino Damari. Tert. Apol. c. 2.

swer, to plead and debate the matter: and all this, because it is by no means lawful to condemn any, till he has been heard, and made his Defence, says *Tertullian*. And such was the care of Law, and the course of Judicature, for all accused persons; that the Cognizance, and Disquisition of Court, rested not in the confession, or manifestation of General Names: but, before Sentence, proceeded further, to discuss the Quality and Circumstances

† Si de aliquo nocens Cognoscitur, nam statim confesso eo, nomen homicida, vel Sacrilegi vel incesti, vel publici hostis (sive de nostris elogis loquar) contenti sine ad pronuncian-dum, nisi & consequentia ex-patis, qualitatesq. facti, locum, modum, tempus, consocii, Socios. Apol. cap. 2. & ad Nationes, l. 1. c. 2. & c. 6.

of Actions. † When you take Cognizance of any Criminals Case says *Tertullian* you do not think it enough to proceed to Sentence, on a bare confession of the name of Homicide, Sacrilegious, Incestuous, Publick Ene-

my, (to instance in the Titles you give us :) but stay till you have discussed the Consequences, the quality of the Fact, the place where, the time when, the manner how, the instruments wherewith it was committed, who were Parties, and who were Privy to it.

But now, all these were carried contrary, in their Proceedings with the Christians. • They were used to condemn them, without giving them the justice of a Hearing: not permitting them to plead their own Cause, nor admitting Advocates to plead it for them. When all this liberty of Pleading, either for themselves, or by their Council, is allowed by you to other Criminals: yet, says Tertullian, || to the Christians alone there is no permission to say any thing, that may purge the Crimes they are presumed Guilty of, or defend the Truth, or prevent the Judges passing an unjust Sentence. You do not allow them time, says † he again, to hear their Accusations, and to refute them. Tho we were ready to be Advocates, for Sacrilegious, and Parricides; yet, as for these, || says Minutius, we did not think fit to afford them any Hearing.

Or, if they did hear them at all, it was not *Discentere de quaitate, circumstantiis, & ordine admissis*; i. e. to discuss and take cognizance, of the quality, circumstances, and order wherein they perpetrated the Crimes alledged, as was always done with other Criminals: but that only you look after, † says Tertullian, which is necessary to expose us to the Publick Hatred, the confession of the Name [of Christian] not the examination of any of those Crimes, which you groundlessly presume to be practised by those, who profess that Name. They presumed the Name, to carry with it a sufficient Conviction of the most horrid Crimes. As of || Slaying of an Infant, and a Thyestean Banquet, or Feasting upon it: of all sorts of Lasciviousness, and Incestuous Mixtures at their Meetings, after the Dogs tied

|| Sed Christianis solis nihil permissum loqui, quod causam purget, quod veritatem defendat, quod judicem non faciat injustum. Apol. c. 2.

† Neque accusationis, neque recusationis, spatium commodatus. Ad Nation. l. i. c. 2.

|| Hos nec audiendos in totum parabamus. p. 31.

† Apol. c. 2. & ad Nation. l. i. c. 2. 6.

|| Tertull. Apol. c. 7. Minut. Fel. p. 9.

to the Candlesticks, by leaping at a Crucifix cast before them for that purpose, had thrown down, and put out the Lights; Of Traiterous Conspiracies against the Emperor; and the like. But the Accusers never offered, nor did the Judges stay, for any other Evidence of all this, than their mere owning themselves Christians. They were always *Presumpta*, never *Probata Crimina*; mere *Presumptions* without Proofs, as † *Tertullian* says. *Cum presumptis de sceleribus nostris, ex nominis confessione*, says || he again: and

† *Apol. c.*

2.

† *Id. ad*

Nation. l.

† *c. 3.*† *Apol. c.*

2.

† *Et ideo Praefes Provinciae id sequatur, quod convenit cum ex fide coram, quo probabuntur. Digest. lib. 1. tit. 17. l. 6. §. veritas.*

That is, your way is to presume the Crimes, from the denomination of Christians; and to punish an hated name, under a presumption of Crimes, which it knows nothing of. The utmost, that ever was alleged in proof of these Crimes, was only uncertain hear-say, as || *Tertullian* notes, or common, but ungrounded Fame; which Judge, that pretends to Justice, will ever condemn a Man, or take away his Life upon. All which, was most contrary to the Regular Course of Roman Justice, which went not by uncertain hear-says, that can make no Evidence; but by Proofs, which could over the Crime to the Persons Face: Condemning no Man, as *Festus* said, till he had confronted the Evidence, there to make his exceptions,

and had his Accusers Face to Face. † *The President of the Province is to follow what is fit, proceeding by the Faith of what is proved, says the Law.*

Such, in these Points, was the illegal usage, of the Martyrs and Confessors: and that, when they came upon their Tryal, not only for their Estates; but also for what is more to be valued, and what, when once injuriously taken away, is never to be restored or compensated, their Lives too.

3. Moreover, in Judicature, not to have any regard to Law, but all to his own will and pleasure, is not only illegal, but an utter overthrow of Laws. Making them of

no use to the Subject, which is the same for the time, as if there were no such things; and, instead of publick Laws, subjecting them to private Discretion, Inclination, and Affections. Now, this was sometimes the Case, both of the Christians, and other Subjects of the Empire, under some of the persecuting Emperors. *Galerius*, one of the bloodiest of them, *Dissolving all the Laws*, || says *Lactantius*, assumed and gave

a Licence of all things to his Judges.

† *Licentia rerum omnium soluti Legibus, assumpta, & iudicibus data. De Mort. Persec. c. 22.*

Here was a turning Laws out of Doors, and Acting all by Discretion. And lest the Law, should make any part of those Judges Discretion; he sent out such into the Judgment-Halls, as did not know Law, and removed thence such as were capable to Plead, and lay it before them.

† He sent out Military Judges, adds he, that were ignorant of the Laws and learned Studies, and that too without Assessors, whose part it would have been to have given them direction therein, into the

† *Judices militares humanitati Literarum rudes, sine assessoribus in Provincias immissi. Causidici sublatis, Juris Consulti aut relegati, aut nocari. Ib.*

Provinces. He took away all Pleaders or Advocates; and either killed, or banished the learned Lawyers.

4. Further yet, to be thrown off as Out-Laws, and denied all benefit of Law and Justice, is to suffer the highest Invasion of Claims and Properties, and to be deprived of all Rights, and Laws which are the Guard thereof, at once. To invade even one Law, that is of main importance, and a chief Security to the Subjects, is thought by the Advocates for Liberty, a sufficient ground for Resistance against a Prince. This invading of a Law, amounts to no more, than denying us the benefit of that Law. And if it give such warranty, to be thus unjustly denied the benefit of one Law, in some concerning Case: how much stronger is the Argument, and greater the warranty for Arming themselves, when they are unjustly denied the benefit of all Laws, and

not

not allowed the Protection or Claim of Law, in any Case? But under *Dioclesian*, this was the miserable, the unrighted, and exposed State of the Christians. The

Edictum quo cavebatur, ne adversus eos vires actio calere; esset non de injuria, non de Adulterio, non de rebus ablatas agere possent. De Mort. Persec.
c. 43.

Emperor ordered, as *|| Laetantius* relates, by an *Edict*, that against them all, any Man might bring an *Action*: but as for them, they should be capable to bring none, neither on the score of any injury, nor of Adultery, nor for any thing, that had

been taken from them.

5. Lastly, when a People suffer invasion of Rights, and groan under heavy Oppressions and Persecutions: to be denied the Liberty of Petitioning their Prince, or of Modestly setting out to him their sufferings, and humbly and dutifully praying Redress; is against the Common Liberties of Humanity and Nature, and the allowance of all just and equal Governments. Especially, to make such Petitions Capitally Criminal, and aimedvert upon the Petitioners, by extreme barbarity, and unheard of ways; is monstrous illegality and injustice. But in the *Arian Persecution* under *Valens*, when the Christians knew of no other weapons against Persecutors, but Prayers and Tears, to use the Speech of *† Gregory* a stout Assertor of the Orthodox Faith in that Persecution, this was their Case. For no fewer, than eighty Clergy men, whereof *Urban*, *Theodorus*, and *Menedemus* were the chief, being sent by their suffering Brethren, to Petition the Emperor *Valens* at *Nicomedia*, and humbly to represent the Violence and Miseries they suffered, from the Persecuting *Arians*. To prevent Tumult and Sedition, as the Story is related by *|| Socrates*, and *† Sozomen*, by openly murdering, against all Right and Reason, so many Pious Men, who had done nothing amiss; under pretence of Banishment, he ordered them all to be put on Board a Ship, as if they were to be Transported. And then, commanded the Mariners, when they had got them into the midst of the Sea,

† Invect.
p. 91.

|| Hist.
Ecccl. 1.
c. 16.
† Hist.
Ecccl. 1.
c. 14.

Sea, to set the Ship on Fire, (making their own escape by their Boat;) that this way, they might not only all die a miserable death, but when dead, be deprived of Sepulture.

CH A P. IV.

The Christians Passive Obedience, under these Invaders of Legal Rights.

SUCH, as we have seen, were the Civil Rights, and such was the invasion of them, and violation of Laws, practised upon the Primitive Christians, in the first Persecutions. Which I have been thus large upon, in the preceding Chapters, thinking nothing can serve more to clear up this Point, and shew what sort of Obedience and Non-Resistance that was, which the Apostles so strictly enjoined, and the Christians so Conscientiously paid, to the Powers of the Empire in the first Ages.

For what now said the Holy Bishops, and Fathers to their Flocks, in Point of Passive Obedience or Non-Resistance, to these illegal Oppressors, and Invaders of Civil Rights and Immunities? The forementioned Precepts of *Christ* and his *Apostles*, they make their Rules, esteeming them, as all Christians ought to do, for *Catholick Precepts*, given to guide Christians of every time and place, and that ought to bind up their own hands, in those hard and trying Days; as, in foregoing times, they had bound up the hands of their Predecessors. When persecuted under one, so far were they, in hopes of ease or quietness thereby, from setting up, or turning over to another, that, as † *Tertullian* declares, they did not swerve from him so much as by a secret Prayer, or wish for a new *Cesar*.

† *Christi-
anus non
novis de
novo Cæsa-
re optare.*
Apol. c. 33.

Many had been the defections from the Emperors, and the aspiring spirits, who had affected the Purple, and set up themselves against them in all parts of the Empire, to try the Christians Loyalty and adherence to their

Rightful Princes, yea, to those, that either already had been, or afterwards proved, their bloody Persecutors. Such was

† In Pescen. Nig. pag. 218.
3. Part. Hist. Aug. Script. vid.
Suet. in Domit. c. 6. 10.

¶ In Domitiano.

† In his Letter, ap. Vulcatium in Avid. Cassio, pag. 120, 121, 123. 3. Part. Hist. Aug. Script.

¶ Vid.
Vulcat.
Gallic. in
Avid. Cass.
p. 127.

† Vid.
Vopisc. in
Bonoso,
p. 721. pt.
3. Hist.
Aug.
Script. &
in Probo
ib. p. 698.
699.

¶ Lib. 9.
¶ Lib. 8.
c. 6. Hist.
Eccles.

L. Antonius, who, as † *Spartianus* says, was declared Emperor by the Army against *Domitian*, who was the Author of the Second Persecution: whom *Parthenius*, and *Sigerius*, and their complices, afterwards murdered, having first agreed with *Nerva*, as † *Dio Xyphilinus* reports, to take the Empire upon him. Such also were those many, whom the Emperor *Marcus Antoninus* † speaks

of, that had Rebelled, and set up against the Emperors, *Trajan*, and *Hadrian*, and his Father *Pius*: under whom were the Third and Fourth Persecutions. And likewise that against *Marcus* himself, under whom was the Fifth Persecution of the Christians, by *Avidius Cassius*, on † pretence of *Marcus's* remissness, and neglect of the Publick, and the *Lucrionessness* and *Repacionessness* of his Ministers; all which, as *Cassius* alledged, endangered the Common Wealth. Such also was the Affection of Empire, and setting up for Emperors in *Faust*, of *Pescennius Niger* in *Syria*, and of *Clodius Albinus* in *Gaul*, against the Emperon *Severus*, in whose time *Tertullian* writ his *Apologestick*, upon the setting on the Sixth Persecution. And afterwards, that of † *Bonofus*, as also of *Proculus*, and *Saturninus*, against the Emperor *Probus*. And after that again, the Defections of *Achilleus* in *Egypt*, and of *Caraculus* in *Brittain*, † as *Eutropius* relates, who set up against *Dioclesian* before; as others did, says † *Eusebius*, some in *Armenia*, others in *Syria*, after his setting on of the Tenth Persecution.

Yet, under all these attempts for Change, even when the Right Emperors were most unjustly oppressive, and illegally hard upon them, as has been abundantly shewn; the Christians never run in among those that took up Arms, or swerved from their Duty and Allegiance. They still adhered to the Right, even when they suffered most by it; and never turned, in hopes of ease thereby, to the wrong side.

† Quos lesos [Persecutionibus] ultio divina defendit. Inde est enim, quod nemo uolens, quando apprehenditur, resistatur: nec se aduersus iniustam violentiam vestram, quamvis nimis & copiosus hostis sit populus, ulciscitur. Ad Demet. p. 192. Ed. Oxon.

Neque tunc ciuitas Christiani, quamvis adhuc peregrinaretur in Terris, & haberet tam magnorum agmina Populorum, aduersus impios Persecutores, pro temporali salute pugnavit; sed potius, ut obtineret eternam non repugnauit. Ligabatur, includebantur, cedebantur, torquebantur, urebantur, laniabantur, cruciabantur, & multiplicabantur. Non erat enim pro salute pugnare, nisi salutem pro Salvatore contemnere. Aug. de Ciuit. Dei lib. 23. cap. 6.

Julian himself, their most industrious and spiteful Accuser, gives this Testimony to them, that instead of siding with any, that were going to make Insurrection, they were for suppressing them. † If they see any mutinying, or moving Tumults against the King, they presently punish him severely.

Such were the Principles of Patience and Non-resistance, which the Christian Doctors taught, and the People practised, during all the Primitive Persecutions, when they suffer'd, as the most cruel and barbarous, so the most illegal things. And therefore, upon the Conspiracy of *Magentius*, a Christian General, against the Emperor *Constant*: Here first, alas! the Christian Captains, † says Baronius, spurr'd on by a lust of

* Hic primum (proh dolor) ira percissi regnandi Libidi-

ne, Christiani Duces in Christianum conspirant Imperatorem, cum olim ne Gregarius quidem Miles (iussu Tertulliano) inueniri posset, qui aduersus Imperatores, licet ethnicos, & Christianorum quoque Persecutores, a Patribus aliquando steterit insurgentium Tyrannorum.

Government, conspire against a Christian Emperor, when in former times, not so much as a common Soldier, as Tertullian testifies, could ever be found to side with any Upstarts or Usurpers against the lawful Emperors, tho they were Heathens, and cruel Persecutors of the Christians.

Indeed, I think no Times have afforded better pleas for Resistance, than those under the *Primitive Persecutions*. Which yet were so eminent for *Passive Obedience*, or Faith and Patience, without taking Arms against their Governors to defend themselves. For,

Under *Dioclesian*, and his Partner *Maximian*, but especially under *Galerius*, there were the greatest Rapes committed upon Property, and the most insupportable Taxes raised by the most illegal ways; inquiring illegally by Torture into Estates, for the heightning of Payments. Nay, putting Servants to the Question against their Lords, contrary to the Law, which forbids Servants to be tortured against their Masters. Yea, torturing even Children to confess against their Parents, and Wives against their Husbands, as † *Lactantius* relates. Here was another sort of Invasion of Property, than that so much insisted on in the great Rebellion, viz. of enforced Loans, Privy Seals, and Ship-money. And if Invasion of Properties can discharge Allegiance, the Christians were at Liberty, and might have taken Arms in those days.

There was also a Denial of Law, and of the course of Justice, unless they would purchase it by unlawful Worship and Sacrifices. For Heathen Altars, as the || same || *ib. c. 15.* Author notes, were erected before the Tribunals, that the Litigants might first sacrifice, before they could bring on their Cause. An † Edit^l also had order'd, that against them, any † *ib. c. 13.* one might bring an Action: but that they, on any injury, should not be allow'd to bring any, as I observ'd before. This was a Denial of Protection. And if Subjects are under no obligation to Allegiance, where they are denied Protection; yea, or even where they miss of it against their Rulers Wills, through their incapacity for the present

sent to afford it; according to some present Casuists way of stating this Question: Why might not the Christians, have thought themselves discharged, from paying any thing to these Emperors?

There was *nothing of Law, but arbitrariness in all their Courts*, where *Galerius*, as I noted above, ** dissolving all the Laws, assumed and gave a License of all things to his Judges.* And if men, that have Laws and Birth-rights, may rise up for their Laws and Liberties; against Governors, who will invade both, and be arbitrary and illegal in their Administrations: how could the Christians stand obliged, to be quiet and passive, in this very case?

There was a *murdering men for poverty*, the same *Galerius*, in the illegal course of raising his insupportable Tax, *† commanding all the Beggars, who were unable to pay any thing towards it, to be gathered together; and then, to deter any from pleading Poverty, being exported in Ships, to be drown'd in the Sea.* This is not only against all Humane and Divine Laws, but is such a degree of madness, as methinks, might much better pass for a proof of one *not mentis compos*, or besides himself, than the *K. of Portugal's* bloody Acts and Barbarities, which of late have been made use of by several in this Dispute. And if no Allegiance is due, in case of *Frenzy*, or *moral incapacity*, appearing, not in the ordinary Crazedness and inconsistency of a mans Carriage, but only by such Actions; and there too, from the extravagance of unjust Cruelty, or furious Passion in those Acts, not from any whimsical Silliness and Ridiculousness of the Reasons and Pretences for them: there would not, in my Opinion, have been much due to him. Nor to *Valens*, who, like a frantick man, did the same, as I noted, to no less than *eighty Clergy men*, who were sent by their suffering Brethren humbly to petition him. Nor to *Nero*, who for his sport, and the more lively humoring of a Song, viz. *the taking of Troy*, which, as *¶ Suetonius* relates, *he joyfully sung over it in his poetical habit at that time, set the City of Rome it self all in a flame.* There

¶ In Ner.
c. 38.

There was a Subversion of the Roman Constitution, as I hinted before; *Galerius* turning the State of *Subjects*, into that of *Slaves* or *Captives*, with whom he might take any Liberties, and use what Violence he pleased. He alter'd, as the **Romans* complain'd, their *Form*, which was ^{* Lañ. 1b. c. 21.} *Potentia Civilis*, as *Tertullian* says, a Power legal and political; into one that was *Arbitrary* and *Despotick*; affecting to rule like the *Persian Kings*, who treated their *Subjects*, † says *Lactantius*, *tanquam familia*, merely at Discretion, † ib. and in a *despotick* way. Here, as some would have told them, was a legal Government laid aside, and an illegal set up instead thereof. And if there is no Allegiance due to a lawful Governor, when he lays aside the Laws, and breaks in upon the Constitution it self, such an one being no longer the Governor their Law and Constitution owns: the Christians might have been free in Conscience to look to themselves, and to stand up with others for their common Defence, against all his barbarous and illegal Usage.

I will add but one Plea more. There was a treating of the *Romans*, and other *Subjects* of the Empire, more like *Enemies* than *Subjects*. Thus, *Lactantius* || complains || ib. c. 23. of *Galerius*, that he treated them after the same manner, as he would have done to any others, by the Right of War: using these *Free-born Subjects*, as their *Ancestors* were wont to use their *Captives*. Yea, at his first coming to the Empire, as * he observes, he professed himself an *Enemy* of the *Roman* * c. 27. Name, and would have changed the Title, so as to be styled, not the *Roman*, but the *Dacian Emperor*. Thus also under *Dioclesian*, *Eusebius* † says that the *Martyrs* were oppugned, † *ἐκείναι τὴν κοινὴν νόμον, κατὰ μὴν τῆς ἐκείνου* not by common way and form of Law, as *Subjects*, but by Right of War, as if they had been publick *Enemies*. Licence was given, as *Phileas* the *Martyr* reports, || in his Epistle sent from Prison to his Church, to any one that would, to abuse them; which some did beating them with Clubs, some with Rods, some with Whips. The President telling them, p. 304. to have no care or regard at all, what they did to them. † ib. ap. Euseb.

but to look upon them, and use them, as if they were not men. Thus likewise Maecentius, upon a very light and small *† Hist. 18.* Pretence, as *† Eusebius* tells us, set the Guards one day to fall upon the Roman People, to cut them off, as they would an Enemy, in heat of Battel. And so slew an innumerable multitude of Romans, not in fighting against foreign Foes, by the Arms of Scythians and Barbarians, but by the hands of their own Citizens, and in the midst of the City it self. Here, would some have been apt to suggest, instead of an Head and Governor, did each of these bloody and persecuting Emperors, put on the person of an Enemy of his people. As Nero also would have been thought by them, when he designedly, and ** but too openly*, as may be seen in *† Hist. 18.* *Suet. Ner. c. 38.* *Suetonius*, set fire to the City, which was as much, as the conquering Gauls did, or would have been done on the irruption of any foreign Foe. And if no Allegiance is due to a Prince, when, not by open Professions, but only by the mischievousness of his Counsels or Actions, he may be interpreted to turn Enemy of his People: the Christians under these, and many other Monsters of Blood and Cruelty, might in Conscience have been at much more liberty, than ever they believed themselves to be.

Thus, had they lived in those days, might the *modern Casuists* and Advocates for Resistance, have urged all the Pleas, of Invasion of Liberties and Properties; of ceasing of Protection, from unjust Powers; of breach of Laws, and alteration of very Forms and fundamental Constitutions; of Rulers ceasing to be *mentis compotes*, or falling under mental or moral Incapacities, or their turning public Enemies, and the like; against the now exploded Doctrine, of Faith, and Patience, and Non-resistance, under the fiery tryal of the primitive Persecutions. But those blessed Martyrs and Confessors, had not so learned Christ. These illegal Invaders of Rights, and bloody Persecutors of Religion, they still own'd and suffer'd, as Gods Vicegerents. And, as our Lord himself, and his blessed Apostles taught, and practised: so these their true Followers took care, even in such

such Violators of Rights, never to resist the Ordinance of God, which by S. Paul has Damnation annex'd to it; but to submit to them, not only for wrath, but also for Conscience sake. They stuck to the Faith, and Laws of Christ, with Courage and Resoluteness; and bore, and broke all the unjust violence of the persecuting Powers, with Patience; and never countenanced, or joynd, in any of the numerous Insurrections made against them, tho they had so much Temptation to it for their own fleshy ease, as appears from *Tertullian, Origen, Cyprian, &c.* in the forecited Testimonies. And the like will be done by all others, who are for trusting their Souls with theirs, and think them safer in those primitive and first taught ways, than in any of the so much fancied and magnified new Inventions.

CHAP. V.

Of passive Obedience under Invasions of Legal Rights among the Jews.

A Greecable to this belief and practice, of the *Christians* under the *New Testament*; was that also of the *Jews* under the *Old Testament*, in this case.

This was seen in their Carriage towards those Kings, both in *Judah* and *Israel*, who introduced and set up an *Idolatrous Worship*. To bring in, or to maintain *Idolatry*, was an Invasion upon the *Law of their Land*, as well as upon the *Rights of God*. Yea, and that in a point, which may seem the very ground and bottom of their Law, and among the most fundamental, as many now to move Stirs would have taught them, in the *Jewish Constitution*. For the *Civil State of Jury*, was at first a *Theocracy*. The true God, was not only their God; whom they were to observe in regard to another World: but their King too, under whom they were incorporated, and to unite together as a Society of this World. As a *Polity* of this

I

World.

World, they were *Gods People*, who modell'd their Constitution, and prescribed them their Laws, from whom, and in whose Name, was Legislation and Judicature, and who, as their supreme Orderer and Director, was to be consulted, for Peace and War. The *Law of Moses*, whom

* *Tōy 'Iv*
Salon De-
quod dicitur.
et d. Jus
p. 34

Longinus calls the * *Legislator of the Jews*, was the *Law of their Land*. And this Law, was a *political Covenant* betwixt them and the true God, all to be observ'd in keeping under him, not in Defection from him. Hence, the going to serve other Gods, is by way of eminence call'd working Wickedness in breaking or transgressing his Covenant. Deut. 17. 2, 3, &c. And accordingly, *Moses*, having the

† v. 9. 11.

two Tables of the Law in his hands, which he † calls the *Tables of Gods Covenant with the Jews*; brake both the Tables before their eyes, when he saw them fallen from the Worship of God, to the Golden Calf. Thereby noting the Covenant to be broken by Idol-Worship, and that these Laws or Tables, were a Charter or Covenant, to incorporate them under the true God, not under Idols. Deut. 9. 17. And answerably, on any such defection, such Inquisition and Procedure, both towards *Seducers* and *Seduced*, was appointed thereby, without any Allowance of Misprision or || *Concealment* even of the dearest person, as is proper for the highest *State Crime*. c. 13. and c. 17. So that for any King, to go to set up other Gods in *Jury*; was not only to act illegally, or break thro Laws and Statutes among them; but to undermine the very bottom of all their Laws, and break in upon the main and most important things in the Jewish Law or Constitution.

|| c. 13.
3. 9.

* 1 King.
xii. 14.

Now *Ahab*, suppressed the *Worship of the true God in Israel*, which was the legal and establish'd Religion; banish'd and put to death the *Prophets*, extirpated the Professors, in Appearance, so far, as that they seem'd even clean gone to * *Elijah himself*. And having pull'd down the *Worship of God*, prescribed by Law; set up the *Worship of Baal*, that was forbid by Law, and all by his own Authority. Here, was mere Will and Power, over-ruling

Laws;

Laws; and illegal Invasion and arbitrary Power, in the most tender and fundamental points: and all this acted to the highest Extremities, and with greatest Outrage. But yet all this would not authorize their levying War, and rising in Arms, against this impious and illegal Invader of Religion and Laws. Even *Elijah*, whose *Spirit* goes further in opposition and return of ill, than † *Christ* doth, † *Luk. ix. calling down fire from Heaven to consume those that were sent to take him*: yet opposes all this, only by freedom of Confession, and saves himself by flight, and enjoys his Soul in Patience, and seeks Redress by Prayers and Trust in Providence. But never sollicit, nor seeks to stir up the many Thousands in *Israel*, both *Priests* and *People*, who possibly might have some Remains of Faith and Zeal for the Lord of Hosts, to defend their legal and establish'd Worship, and keep out Heathenism against their King, by Insurrection and Rebellion. But wicked, idolatrous, and illegally administering *Ahab*, and his *House*, were to hold his Crown, till God himself, who is the rightful Judge of Princes, expressly deposed and disauthorized them, and, not by mere course of Providence, but by || particular Nomination, and the anointing of a Prophet, set *Jehu* upon his Throne.

|| 1 King. xix. 16. &
2 King. ix.

What more common among the Kings of *Israel* and *Judah*, than to persecute the true Worship of God; and to set up, and impose a false one, in its stead. All the Kings of *Israel*, were open and plain Idolaters. And so were several, of the Kings of *Judah*. Particularly, * *Ahaz* shut up the doors of the House of the Lord, sell to the Abomination of the Heathen, and made him Altars in every corner of *Jerusalem*. And † *Manasseh*, brought the Heathen Idols into the very Temple of *Jerusalem*: excluding and banishing the true God, whose Worship was settled by Law, from his own House; and setting up the Abomination of Idols, which the Law forbade, in the most publick places. Here, is legal Truth, arbitrarily turned out: and illegal Error, as arbitrarily set up, even in the authorized and most publick places, the Churches and Temples

34. 55. 56.

* 2 Chron. xxviii. 2, 3.
24.

† 2 Chron. xxxiii.

of the Land. And this, against all Religion, and National Laws; even those, that in the style of many now to stir up Insurrection, would be call'd most essential to the Civil Constitution it self; and which were not dependant on the King, either to make, or to repeal them. But *Elishah* and *Elisha*, *Micah* and *Isaiah*, and all the other holy Prophets, who, of all persons, were the fittest, as the Trump of God, to sound to Arms, and call men to rise in Gods Cause: yet, when sent to cry out, against this dishonor of God, and breach of Laws, they did it only as Confessors, not as Ring-leaders to Rebellion. They never attempted this course for redress, nor stir'd up the People, to defend God and the Laws against their Kings by armed Resistance, or by Deposing of those impious and arbitrary Princes.

|| 1 Sam.
xxii. 18.

To descend now from Religion, when taken into the Law, and made a *Civil Right*, to *Property*. *Saul* persecuted *David*, not in any way of Law and Justice, but of mere wilful Fury and Cruelty, to shed his *innocent Blood*: as he had already done, by the Blood of a || *Number of Priests*, without any regard, either to the Innocence of the Men, or the Sacredness of their Function. This sure was an Invasion of Rights, not only the common Rights of Humanity, but of their *Civil Rights*, of the sixth Commandment saying *Thou shalt not kill*, which was not only the Law of God, but the Law of their Land, or of *Jury*. Now whilst *Saul* was acting thus against Law, and invading Rights; doth *David* think he has lost all claim to his former Submission, and may be looked on thenceforward, and opposed, as a mere unauthorized person? No, but owns him for the *Lords anointed* at that very time; and thereupon, that he could not do against him, what was unlawful against one, of that Character and Denomination. *How can I stretch forth my hand against him, and be guiltless, seeing he is the Lords anointed.* 1 Sam. xxvi. 9. Like as afterwards, whilst *Pilate* was passing an unjust Sentence in a *Case of Blood*, and that against his own Con-

Conscience, and Confessions: Your Lord still owns him as one, that had Power over him from above. Jo. xix. 11.

Such likewise was the breach of Property, when Ahab, against all Law and Justice, seized Naboth's Vineyard, together with his Life, which was a much more valuable Freehold. And when Jezebel fill'd all places, with illegal Executions; keeping alive the Priests of Baal, whom the Law utterly and inexorably destroy'd: and destroying all the Prophets of the Lord she could find; good Obadiab venturing his life, to hide and maintain an hundred of these by Fifties in a Cave from her fury; all whom the Law protected. And when the Kings and Princes, of Judah and Israel, were complain'd of by * Isaiab, for Executions, and Oppressions, and perverting of Justice. As others were by † Jeremy, || Ezekiel, † Hosea, * Amos, † Micha, || Zephaniah, &c. for Grinding the Faces of their Subjects, shedding innocent Blood, and turning aside the Poor in the Gate from their Right. But tho' here was breach of Laws, and legal Properties: yet was this never allow'd, as a just Pre-
* c. iii.
14. 15.
† Jer. xxii.
17.
|| Ezek.
xxii. 27.
† Hof. vi. 9.
* Am. v. 12.
† Mich. iii.
1, 2, 3. 9.
10, 11.
|| Zeph.
iii. 3.

textence for the injured Subjects, by force of Arms to do themselves Right, and rebel against such invading Princes. The holy Prophets talk'd of no Forfeitures of Crowns, or Depositions of Kings, or discharge of Duty and Allegiance, on these Accounts: but refer'd them to God, the Supreme Judge, to fight them against their invading Sovereigns: This in those days was their Maxim, as it is in the Words of Rabbi Jeremiah; No creature may judge the King, but the holy and blessed God alone.

Some, indeed, think to turn by the Scriptures of the Old Testament, forbidding this Resistance among the Jews, as of no force with us, because they had Kings immediately delegated by God, either in Answers from the Cloud of Glory, or Undation by Prophets. And what was there forbid against such a King, they think is only of force under others, who come in by like special prophetic Delegation.

Now as to this, it solves not the Argument, from the Dueness of Non-resistance to Jewish or Israelitish Kings: for

|| See An-
Inquiry
into the
meas. of
Submis-
sion to the
Sup. Aut.
Art. 8.

for that was as due to those that wanted, as to those that had these immediate Nominations. It was as due to *Abah*, and all those other Kings of *Israel*, that were such Invaders of Laws and Rights, as I observed, as to *Jeroboam*, or to *Jehu*. And yet, among the Kings of *Israel*, *Jeroboam*, and *Jehu* alone, had this propheticall Nomination; all the rest coming in by humane Titles, like the Kings of other Nations. And as due to *Hezekiah*, and *Josiah*, and all the other Kings of *Judah*, that were Kings by descent; as to *Saul*, or *David*, who were set up by immediate Message from God. And yet, after *David*, and *Solomon*, the Crown in *Judah*, went by the course of Descent in the Royal Blood, without any Interposition, so far as we can see in Scripture, of Gods personal Nomination. Even in *Joash's* Case, who was set up against *Athaliah* after six years possession, no such thing was pretended. *Jehoiada the Priest*, who managed that Revolution, not pretending for young *Joash*, any Message of a Prophet, or Answer from the Cloud of Glory, which, had that been their method of setting up Kings in those days, he, as chief Priest, should have consulted; but only his heritable Right according to the Constitution of *Jury*, or being of *the*

† 1 Chron.
xxiii. 3.

House of David.

Besides, Non-resistance, and other Duties to Sovereign Governors, do not depend upon the method, or way of coming into Power; but only on that rightful Power and Authority, they are come into. *Honor thy Father, obey Magistrates, submit to the King as supreme, be subject to the Higher Powers*, and other like Sayings of Scripture requiring these Duties, look only at the Authority. If a Man is the true Father, the rightful Power, and the lawful King, they ask no more to make all these due to him: making no difference, whether he comes to have this Right, by an Humane Title, or by a Divine.

Now all that Gods personal Nomination doth, is, as other personal Titles do, to fix the Power in a certain person. It gives no enlargement of Power, or greater extent

tent of Prerogative. And not widening or enlarging the Authority, it can make, or call for no more Duty. And accordingly, these Duties, were as much the due of those Kings, that came in by humane Titles among the *Jews*; as of those, who were personally named by God himself. And they are as due, to any Kings of other Nations, as they were to *Jewish* Kings. For Government, is instituted of God, for all Nations, as well as *Jury*. And Obedience to Governors, is a natural Duty. So that Subjects of all Governments, are call'd to pay these Duties, as much as the *Jewish* Subjects were. Now to bid men be *subject*, and *submissive*, and *obedient*, and *not to resist*, and the like, are as plain and full, as I noted at first, as the most ordinary Understandings need to be taught, against all Resistance. What said God more than this against Resistance, to the *Jews*, when he named any King himself? Nay, if we come to make Comparisons, where are the Sayings against it, under any such Kings, so numerous and exprels? And these are as plain, if Men are willing to understand what God plainly tells them, when spoken in case of a *Roman* Emperor, who had a humane Title; as they would have been, in case of *Saul*, who had a divine Title.

They are due to any persons, as having *Gods* Authority, and being his Vicegerents. Thus || *S. Paul* notes of all *Duties of Subjects*, and particularly of *Non-resistance*, saying, *They that resist shall receive Damnation*, as resisting the Powers that be of God, and the Ordinance of God, and requiring Subjection out of Conscience, because they are *Gods* Ministers. So that as to matter of Resistance, any other King has the conscionable Bar against it, as much as a King of *Gods* own naming, if he be but *Gods* Minister and Ordinance. But now the Power of Kings by humane Titles, is *Gods* Power, and God owns this way of coming in, and empowers them as much, as those that come in by his own personal Nomination: declaring, that their Power is his Power, and that they are his Ministers and Ordinance.

|| *Rom.*
xiii. 1, 2.
4. 5.

divance. All which, *S. Paul* says as expressly of the *Roman* Emperor, as he could have said of any Prince, immediately call'd out, and commission'd by God himself.

The seditious *Jews*; I conceive were of this Opinion, that the *Heathen* Powers, not set up by any Revelation, but left to humane Claims, were not *Kings of Gods making*. And so were wont to despise, and speak slightfully of them: *Despising Dominion, and speaking evil of Dignities*; *Isos.* *Jude* says of the *Seditious Judaeizers*, v. 8. But *S. Paul* tells such Men, that these Powers, were as truly of God, as any of their own Nation: and that Gods Command, for obeying Power, was as much for obeying these, as it had been for obeying them. *There is no power*, saith he, *but of God.* And *he that resists the Power, resists the Ordinance of God.* *Major*, the Divine Precept, viz. the fifth Commandment, or other Precepts, that oblige Subjects, and empower Princes, and give as much Duty to these *Heathen* Powers, as they had done to any among the *Jews*, *Rom.* xiii. 1, 2.

And like to this, of the different ways of their coming in, making no difference in our Duties to them, we find in other instances. In point of Property, we come into our Lands and Possessions, by an humane Law and Allotment; but they came into them in *Canaan*, by a divine. But yet there is as much *Stealing*, and a breach of the eighth Commandment, in taking away our things from us; as there was, in taking away theirs from them. And in case of *Servitude*, the Primitive Masters came by their *Servants*, either as their *Captives*, taken in War; or as their *Purchase*, bought with money like their Cattle in the Markets: but we by *Contract*, all our Servants voluntarily submitting themselves to us, and at their own choice. Yet, for all this different Rise of Masters Powers, when once Servants are got under them, the same Gospel Precepts, of *Diligence*, *Fidelity*, and *not answering again*, &c. do equally oblige in both Cases. The Duties respecting either Power, or Property, depend not on the particular man-

* Numb.

xxvi. 53.

34. 35. 36.

and cap.

xxxiv. 13.

17. 29.

manner of coming in: but only on the *Rightfulness*, and *Degrees*, of that Power and Property, which any Persons are come in to. More Power, I grant, there is in some Princes, and more Liberties to some Subjects, than to others, according to the difference of Civil Governments and Constitutions. But since the Power of the *Jewish* Kings, was a Power *limited by Laws*, as ours is; an Invasion of Laws and Rights, can no more justify Resistance in our Case, than it did in theirs. And to say they did not come into this limited and Legal Power the same way, makes no difference as to this business.

The Scriptures of the *New Testament* likewise, † they † *Ib. Art. 9* endeavor to turn off, by saying, *they only bind us not to resist, when true Religion has Laws against it: but for all those Precepts, we may resist, when it has a Law on its side*. If we may do thus, when we have a Law for Religion: then, since Law is as good in one Case, as in another, when we have a Law for Liberty, or Property, or any thing else. But this, as I have shewn, is contrary to the sense of those Gospel Precepts, and to the Belief and Practice of Gospel and Primitive Times. Which tied up the Hands of Christians, when they suffered illegal things, and were treated by their Governors, in numerous and most concerning Points, against the Laws.

Again, ‖ they say those Precepts were directed against ‖ *Ib. Art. 10.* *Jews, who were not for submitting, or paying Allegiance, to Foreigners, or Heathens*. Admit they had one Eye against these: yet, at the same time, they had as much against any others, that would have run into the same *Jewish* Practice, or have been for making Warlike Resistance to those Powers, on any other pretences. The thing those Precepts are plainly for securing, is *Non-Resistance to those Powers, notwithstanding any thing, that could be alledged against them*. And as the *Jews* might pretend in those days, that they were Foreigners, and Heathens: so might others, and with as much truth too, that they were Invaders of Laws, of Rights, and Liberties. And yet for all these,

or any other pretences Seditious Spirits should start, the Apostles peremptorily enjoyn all good Christians, to own them still as Gods Ordinance, and to forbear all warlike Resistance towards them, *not only for wealth, but for Conscience sake.* And thus, in obedience to those injunctions, they all practised at that time: as their followers did, in the succeeding Persecutions. And the Scriptures are written for a Rule of Christs Church, alike in all times: as much to us, as they were to former Ages. So that these Precepts, both of Old and New Testament, are as binding upon us, as ever they were, upon either the Jews, or the Primitive Christians. And whatever pretences were pleadable in their Case, whilst the Inspired Pen-men told them they were bound not to Resist: to be sure those same pretences, can never Cancel our Obligation more than it did them, or make it lawful for us to do it. We must follow them to Heaven, in the same way the Apostles taught, and they took; or else we are not like to get thither at all.

C H A P. VI.

Of the unlawfulness of Resistance, on such Invasions of Rights, by our own Laws.

TO all this, which I have hitherto Discour'd, from the Obligations, both of Jews, and Christians; I shall now Thirdly, In the Third Place, Note from our own Laws, how little Ground there is with us in these Realmes, to take up Arms against our Sovereigns for any Rights, because of their being Legal; or for Religion, because of its being taken into the Law of the Land. For those very Laws, which establish our Religion, and particularly the *Act of Uniformity*, forbid this way of Defence, and declare it unlawful on any Pretence whatsoever, to take up Arms against the King.

This Declaration was made, upon occasion of the Great Rebellion begun in 41. and for preventing any ones falling in-

to the like again. And therefore, by any Pretence whatsoever, it must more particularly include all those Pretences, which were given out for taking Arms at that time. And those Pretences, as may be seen from the *Votes and Declarations of that Parliament*, a brief Account whereof is given in the *View of the late Troubles*, were, the † *Preservation of Liberty and Property*; of *Religion and Laws*; of the *Privileges of Parliament*, who are the Conservators of all our Rights; and for || *keeping out of Foreign Forces*, which the King was said to be endeavouring to bring in, to enslave this Kingdom. Which Pretences, are the best that can be invented for forcible Defence, and so, as oft as they are bent on change, will probably be made use of, by Men of like Minds in latter Ages.

† Vid. p. 96, 97, 98, 99.

|| P. 70, 71, 88, 99.

Indeed, so far as Words and plain Declarations can do it, our Law seems to have taken all the Care the Wit of Man can take before hand, to prevent all Recourse to this way of Defence against our Lawful Sovereigns, by leaving none in this way to be our Defenders, or capable to pretend a Power of making use thereof. If any could list Armies against the King, not only in Defence of private Rights, but of the Laws, or the very Constitution it self, when the Kings chance to break in upon them: It would certainly be the *two Houses of Parliament*. But the Act about the *Militia* 13, Car. 2. c. 6. and 14, Car. 2. c. 3. declares the Power of the *Militia*, so much contested by the Parliament in King Charles the First's time; yea, and that on this very Pretence, that they might therewith Defend the Laws and Liberties against him: *to be solely in the King. And that neither one, nor both the Houses of Parliament, can, or lawfully may, Levy any War, either Offensive, or Defensive, against him.* So that take even the most Defensible Rights, which seem best to deserve a War; and put them into their Hands, who have the best Claim to be their Defenders: and yet tis plain by this Act, that they are not to defend them against the King, by Levying War, or Listing Soldiers.

Tis true, our Parliaments are taken into the Government, and have a share in the Highest Acts, as *making Laws*. Whence some have argued, that upon the Princes Breaking in upon the Legislative Power, the Parliament may take Arms against such an Invader, as one Sovereign may against another. This Inference, is directly against the Act last mentioned, which declares they have no Power against him, either for any *Offensive, or Defensive War*.

But to clear this Point, this Share of theirs in the Legislation, as I conceive, is not a *Sovereign's*, but a *Subject's Part*. They are called in to consult, and with Authority of Negative, upon all Laws to be imposed on them: which is a great Security, indeed, of their being well-governed, and bound to nothing but what is for their Benefit, no Law being to be made or repealed, without their own Consent. But this Liberty of consulting, and Authority of Negative, is still under the King the *only Sovereign*; nor on equal Terms with him, as *two Independent Sovereigns*. Agreeably, we find the Style in the Acts so often is, *Be it enacted by the King our Sovereign Lord, with the Assent of the Lords Spiritual and Temporal, and of the Commons in this present Parliament Assembled, and by Authority of the same*. As 37. H. 8. c. 4. & 25. H. 8. c. 11. & 19. H. 7. c. 18. & 23. & 3. Edw. 4. c. 4. & 7. Edw. 4. c. 3. & *passim*. Or, *our Lord the King, by the Advice and Assent of the said Lords Spiritual and Temporal, and at the Request of the Commons in this Parliament Assembled, and by Authority of the same, hath Ordain'd and Establish'd*. &c. 12. Edw. 4. c. 8. Tho the King is not *Absolute*, without Rules in Governing; nor *alone*, without Partners in Legislation; yet is there only a Subjects Part, not a Coordinate Sovereigns; and *he alone is Supreme*, both in Legislation and Execution.

For our Law, and Church too, fixes all the *Sovereignty of the Realm solely in the King*. *The Kings Majesty both the Chief Power in this Realm of England &c. unto whom the chief Government of all Estates of this Realm whether they be Ecclesiastical or Civil in all Causes doth appertain* † Say the 39. Articles of Reli-

† Art. 37.

gion. He is the only Supreme Governor, of this, and all other his Realms, in all Temporal things, as well as Spiritual, says the Oath of Supremacy. His Realm recognizes no Superior under God, but only his Grace, says Stat. 25. H. 8. c. 21. His Parliaments, when they meet, both sit, and Act, only as his Subjects, nor as his Compete Sovereigns, he not having *Parein in Regno suo*, as * *Bracton* says. For by order of Law, they were to take the Oaths of Supremacy and Allegiance; professing by those Solemnities of Religion, that he is the sole Sovereign, and that they, whilst acting there, are only his Subjects. When, during their Session, they make to him any Addresses, they stile themselves *his Majesties most Loyal, and Dutiful Subjects*. Yea, in Acts and Statutes themselves, they have often used the same Stile; calling, as him, their Gracious Leige Lord and Sovereign; so themselves, his Humble, Loving and Dutiful Subjects, in those Acts of Legislation. In all Humble manner shew unto your most excellent Majesty, your Majesties most Dutiful and Loyal Subjects, the Lords and Commons &c. says Stat. 12. Car. 2. c. 30. We your Majesties most Faithful and Loyal Subjects, the Lords and Commons &c. says Stat. 1. Jac. c. 1. We your Majesties most Loving, Faithful, and Obedient Subjects, the Lords Spiritual and Temporal, and Commons &c. representing the three Estates of this Realm, (so bearing only the Part and Place of Subjects in that Representation,) says Stat. 1. Eliz. c. 1. and the like may be seen in the Acts under Q. Mary, as in Stat. 1. Mar. Sess. 2. c. 1. under King Edward 6. as Stat. 1. Edw. 6. c. 14. and K. Henry 8. as Stat. 37. H. 8. c. 4. & c. 17.

By all which, I conceive it plainly appears, that the two Houses sit with the King in Parliament, and concur in making Laws, not as Coordinate Powers, that are equal to him; but as Subordinate under him: not in Place of Sovereigns, but of Subjects under him, their sole Sovereign. So that if any Parliaments head Insurrections against our Kings, they are Wars of Subjects still against their Sovereigns, and such as they neither can, nor Lawfully may make, no not in their own Defence, as the Statute says.

But

*Thoughts
of a Pri-
vate Per-
son about
the Justice
of the
Gentle-
mens un-
der-taking
at York. p.
9, 10, 23.*

But † some Appeal from the *Letter* of these Laws and Legal Declarations, to the *Equity* of them; and think, tho the Letter of the Law condemns resisting Subjects, that the Equity thereof will acquit and justify them.

This Plea of Equity, against the Letter of these Laws and Legal Declarations, is for excepting some particular Cases, from being meant and comprehended in the general Terms used therein: and that is by way of Presumption, that the Makers of those Laws and Declarations would have excepted them, had the Cases been foreseen, or particularly put to them. But there is no Place for presumptions of a thing, against express Declarations to the contrary; or for supposing such exceptions in Laws, that say themselves they do not except any Cases. And thus the foresaid Declarations do in this point of Resistance; declaring it *to be unlawful, to take up Arms against the King on any Pretence whatsoever*. Yea being made with a particular Eye against these Pretences, of *Invasion of Laws, Religion &c.* So that they must needs be understood to comprehend, and not to except them, as I noted before.

Besides, Military Resistance of Sovereign Powers stands forbid, by the Letter, not only of our Laws, but also of Nature and Scripture; the *Fifth* Commandment, and other Scripture Precepts, calling indispensibly for Subjection and Obedience, (which bars all such Resistance,) to Sovereign Princes, from all Persons, and at all times. And there is no pleading Equity, to exempt any Cases, from the Generality of their Expressions. For there is no urging Equity, against Natural Duties. In mere Positives, or in things of mere Human Obligation, it may have more Place. But in Matters of intrinsic Goodness, and Natural Obligation, it has none. They are standing Rules, that admit of no exception, and the Plea of Equity must always, and only be for the keeping, but never for the breaking of them. No Man must ever pretend Equity, for leave to commit Murder, or Adultery, or to Steal, or to Rebel, or to Transgress any other Law of Nature. For the main care of Equity, is to
make

make these Duties inviolable; and so the Argument to be drawn from thence, is in every Case to Act according to them, but in no Case to Act against them.

The Pretence for Equities exempting some Cases from the Prohibitions of Resistance, is for the *safety of Subjects*, because say * some, *no Man can owe so much Duty to his Prince, as not to have a Salvo for his Safety especially for his Life.* But what a Man owes, or is oblig'd to by the Law of Nature, not only to his Prince, but to the meanest fellow-Subject, or to any of Mankind, is without any such Salvo, even for Life, and he may not transgress such Natural Duty towards them, tho it were to save his Life. It not being lawful to Steal, or Murder, or commit Adultery, or Transgress any other Natural Duties against our Neighbours, no nor when we are the most put upon it, and tempted thereto to save our selves.

* R. p. 2.
12. C.

I add, whatever People spur'd on by a desire of Revenge, may vainly fancy in Favor of their own Passions, that Equity sets more by Submission in all Cases, than by this desired Liberty of Resistance. Its first Precept about this Matter is, whatever the Governor be, to have Government kept up; which is by holding on Submission, that is always cast off by Resisting. And this, not only in Regard to Gods Authority, whereto it calls for Justice and Submission, tho in an evil Prince but also in Care of the Subjects own Good. Which amidst all the hazards Men may think the Doctrine of Non-Resistance to be attended withal, is much more, and much safer, in this Constancy of Submission and Non Resistance; than it would be in the contrary Liberty of Resisting and running to Arms, on the foresaid Pretences.

Lastly, that Equity doth not exempt from this Non-Resistance is plain, because it is a general Principle, and what exemption it gives would be General: under all Governments, absolute as well as limited, and in all times and Places, one having as much Claim to Natural Equity, as another has. And so, there would have been Exemption thereby under the *Roman* Emperors, fancied (tho without Ground) to have been absolute and arbitrary Governors; and in the Primi-

five Scripture Times, as well as under our Kings, and in this present, or the preceding Age. Whereas, our Blessed Saviour, and his Holy Apostles and the Primitive Saints, plainly admit of no exemption under those Emperors. And the Managers of this Plea own there was none, nor allow any Liberty of Resisting, under any absolute and arbitrary King.

¶ Id. p. 12. They || appeal likewise, from these *Declarations of our Law*, to the *Nature of our Constitution*, and the *end of our Frame*; and think, it will justify that Resistance, which these Sayings and Declarations of Law condemn.

¶ Id. p. 12. 23. *And Inquiry into the Measures of Submission to Supreme Authority.* Art. 34. But as to our Constitution, thereby the *Supremacy is fixed solely in the King*; and therein is an *express denial of all Coercive Power over him*; and a Declaration of *Maxim*, that *he can do no Wrong*, what he doth, being by Ministers, and they only, and not he, being accountable in any Court here for the same. All which, leaving neither Fault imputable to him to deserve it, nor Authority in any others to Try and Judge him for the same, must needs bar, all *Forfeitures of the Crown*. The *whole power of the Militia*, or of *Lifting Soldiers*, the Law declares to be *only in him*. And loudly asserts the *unlawfulness*, and *Treasonableness*, of *all Levying War against him*. Nay, that even the *Parliament themselves*, as I noted, *have no Power to make any War, either Offensive or Defensive, against him*. And in a Government of this Frame, owning one *irresistible Sovereign*, and thus carefully *excluding all taking Arms against him*, I do not see whence any should hope to fetch this Liberty of Resisting.

And as for the end of that part of our Constitution, which lies in *securing our Liberties and Properties*; that is plainly with limitation, and so far only, as they can be secured to *Subjects continuing Subjects*, i. e. in Consistence with Submission, which is thrown off by Military Resisting. They are to be secured thereby to the Subjects of these Realms, so far as they can be secured, under a Sovereign and irresistible Prince, (as our Constitution makes ours to be,) and by Men keeping to their Duty and Obedience.

C H A P. VII.

Of Passive Obedience under Invaders of Natural Rights. And these as Defensible by Arms, as Civil Rights.

HAVING hitherto shewn, that the Invasion of Civil Rights and Laws, gives no exemption from the Gospel Duties of Obedience and Non-Resistance, which I think I have made pretty plain, both from the Case of *Jews*, and *Gentiles*, and from our own *Laws* themselves: I now proceed to shew, in the

Fourth and last place, that if this defensibleness of Legal Rights, would exempt us; a like *Defensibleness* of *Natural Rights*, would as well have exempted all other Subjects of *Sovereign Powers*. And so, contrary to what the Advocates of Resistance themselves affirm, would have left no such Duty in the World, as *Passive Obedience*. The true Christian, and *Thank-worthy Passiveness*, as † *S. Peter* observes, † *Pet. ii. 19, 20.* not being that of *Malefactors*, who suffer for their real *Faults*; but of *Righteous Persons* and *Well-Doers*, who cannot suffer, but by an Invasion of Rights, or unrighteous usage.

All Oppressors, invade *Mens Natural Rights*; if they have no *Civil Laws*, to make them *Civil Rights*. That Ruler, who has no *Civil Laws* to guide him, is yet bound to guide himself, by the Law of Nature and Reason. Now Nature, makes Right and Wrong, and appoints Laws for them. Else, by the mere Law of Nature, there could be no such thing, as unrighteousness, or wronging of our Brethren. *Thou shalt not Kill*, and *thou shalt not Steal*, are some of Nature's Laws. And all *shedding of innocent Blood*, all *Theft*, *Lies*, and *breach of Faith*, are by Nature violations of Right, and so unrighteous Actions.

Now, *Natural Rights*, are as *Defensible* this way, as any *Civil Rights* are. I do not only say, they are as

Sacred, and Inviolable : yes, having God, and not man for their Author ; and a Divine Law, not an Human, for their Guard, they must needs be more inviolable. But also, that they are as Defensible by Force, as any Civil Rights. Thus, Princes, and Sovereign States, take Arms against each other, to defend their Natural Rights. And so may Private Persons, (under like moderation of *Christian Charity*, as they are to shew in quarrelling for any other Rights,) when assaulted by Thieves, Murderers, or other unrighteous Attempters, and have no leisure, or opportunity, to call in the Protection of Government, and Guard of Civil Laws: one private Person, having Liberty to fight another in these Cases, in defence of their Lives, Persons, Liberty, and other things, which are Natural Rights. And this is the *Liberty of Self-Defence* : which is a Liberty of defending these Natural, (or other) Rights, by our own Natural Force ; when, being out of the Cover of Laws, we are left, as in a State of Nature, to defend our selves.

Indeed, mere Natural Rights, have no Civil Defence, till they are taken in to be Civil Rights. That is, there is no Commencing an Action, and suing for them in any Civil Courts, till they are backed and defended by Civil Laws. But this way of Defending by force of Arms, is a Natural Defence, in which Laws give a Man no help at all, but he is left purely to the strength of his own Natural Powers. And for Natural Rights, a Man may make his Natural Defence, which is no more than the liberty of Self-Defence.

Nay, when Men come to defend their Civil and Legal Rights this way, *viz.* by *running to Arms*, they defend them not as Civil Rights. For what Defence any thing gets, by having a Civil Law for it, and being a Civil Right, is a *Legal Defence*, or *Defence by Legal Process*. It may be pleaded in a Law Court ; and whilst Courts have Authority, and Law can be heard in them, that will defend it. But when Men leave contesting these Rights at Law, and fall to Arms, they absolutely throw off this Civil Defence ; there being no Cover or Defence from Law, among
drawn

drawn Swords, nor any use in War, of Witness, Judge, and Juries. And, instead of that, they come back to Natural Defence, or by their own Natural strength, which is to defend them as Natural Rights. So that Natural Rights, must needs be as defensible by Arms, I conceive, as Civil Rights: since Civil Rights, as Civil, are not at all defensible by Arms, but by Law Suits; and to defend them this way, Men must bring them out of the State of Civil, which lies in being under Government and in Courts, into the State of Natural Rights. And when, in any Case, the Law justifies this Defence afterwards, it is not as needing a Civil Law, but under the Notion of a Natural Right, or as being the Natural Liberty of Self-Defence.

But now, if Subjects might have recourse to this forcible Defence, and Levy War against their Sovereigns, upon their violation of Natural Laws, and Invasion of Natural Rights, which are as defensible this way, as any Civil Rights: then there is no such thing as *Passive Obedience*, nor ever was any Submission and Non-Resistance due, to ill and unjust Kings. And so in reality, there should have been none due, in those times, when God always required it, both among *Jews* and *Christians*: whose *Passive Obedience* was never tried, but when they suffered unrighteously, by an Invasion of their Natural and Divine however, if not also of their Civil and Human Rights. So that this Plea, of the *Defensibility of these Rights by Force*, will afford no case peculiar to us, nor alter the Case of Non-Resistance with us, from what has been so long since determined of it, in the Scriptures, and the Primitive Church. Had it been true, it would have set the suffering Subjects loose in those days. And, as the Inspired Men, and Holy Fathers, taught Non-Resistance, as a Truth then: they would, were they now alive, tell us it is as true now, and bid us do the same in ours.

This forcible defence of Civil Rights then, as well as a like forcible defence of Natural Rights, must be limited to Private Persons. If Men were under no Civil Governors,

they would be left each to defend their own Rights. And when they are under Government, they are still left to it against other Private Persons, in Cases that will not stay for the defence of Laws, or for recourse to Governors. But there is no liberty for Subjects, to defend their Rights thus by joining in Arms, against their lawful Sovereigns. The Holy Scriptures, and our own Laws, as I have shown, plainly forbidding this way of Defence, when Subjects suffer Invasion of Rights. And the Pleaders for Resistance, allowing they may not take it in defence of Natural and Divine Rights, no not in defence of Religion it self, till it is taken in to stand by Civil Laws, and Civil Rights, are not more defensible by force of Arms, than Natural and Divine Rights are.

To the Sovereign Power, the Command of God is, *to be Subject*. Then there is no Resisting, since warlike Resistance throws off Subjection. So, Levying War in Subjects, can be no way of defending Rights against their Sovereign. Nor can they take any ways of Defence, but what are consistent with Subjection. Therefore their Defence of Rights, must only be in those ways, which keep in the Order of Government and Justice. If they are oppressed by a lower Power, they may seek to a higher, and so rise, till in this way they have tried the Sovereign himself, beyond whom, in Subordination of Government, there can be no Appeal, but to God himself. So there is Human help this way, against all Governors, but the Supreme. Yea, some Kings themselves, are but imperfect Sovereigns. They have reserved Cases: and though they are Supreme, in all others; yet in these they have Superiors, to take Cognizance of, and declare their Failures and discharge their Subjects from bearing them any more Allegiance. And here is Human Redress, and that by force, even against the King: not by breaking and calling off the Order of Government; but by keeping under, and paying subjection to those, whom, in these Cases, the Laws have made Superior unto him. This may seem the Case of *Poland*, where a Clause said to be in the *Coronation Oath*, sounds to this purpose. But,

But, where a King is the *Sole Supreme*, both *for all Persons* and *in all Causes* that can come under Judicial Cognizance; he can only have God above him. And when he Invades the Rights, and stands in it; after we have fought to Courts, and made Supplications, and used all ways for a Subjects Redress: there is no way, but to be content with so much Right, as we can have by continuing under his Government; and for the rest, to leave it to God, (who will be sure to do it first or last,) either to redress, or avenge our Cause. But the way of Subjects, by order of God, who requires them for all this to continue subject, cannot be to resume the liberties of ungoverned Persons, and fall every one to right themselves against him by force of Arms; which is to throw off the state of Subjects, and set up to be their own Governors. Nay, this way of defending Rights, would be the most unwise, and opposite to that securing of Rights they aim at, as well as most offensive to Almighty God. For however, in their heat, and uneasiness under Wrongs, Men are apt to think this a way of recovering, and defending such Invaded Rights: in the end they will find, it is the way to leave, both them and all their other Rights, defenceless, and under no Guard, or Security at all. For Government, is the best safe Guard, of our Liberties and Properties. And if once we go to pull it down, we go at the same time, when we do not think it, to pull down our selves, and to set open our own Freedoms. The Fence being broken down, the Inelodure becomes common, and our Rights lie open to all Intruders.

From this Discourse I shall observe, that as to the Point of *using Forceable Defence*, it seems no great difference, *when Religion is Persecuted*, whether it stand upon its own Right, or be taken into the Law of the Land, and stand on Civil Right. Every Man has a Right, to be truly Religious, and to serve God. He has a Right, to seek Eternal Happiness; and to Truth in Religion, as the way to it. And every Prince Invades this Right; yea, I add, and God's too, who denies

denies him this, and Persecutes him for it. If God has a Right to our Service, we must needs have a Right, nay, be under Duty and Obligation, which I think is more than a Right, to serve him. And this Right, is unalienable; no Prince, or Power on Earth, who are all Authorized to Rule us under God, nor to Rule over him, can, or ought to set it aside, or deprive us thereof.

And as no Prince can, so can no Law do it. For whence must that Law have such Authority? Is it from God? No sure, he cannot Authorize any Human Laws, to set aside his own Laws, for that were to give Men Authority over himself. It is only the Power of the Law Maker, that gives the Law its Power. And if the Human Power that made the Law, cannot take away this Right; the Stream cannot rise higher than the Spring, nor the Effect have what the Cause had not, so that the Law made by him cannot do it. If a Law attempts to take away this Right, it is as bad, as if a Prince doth it. As he is an unrighteous Prince, so is it an unrighteous Law; and we do not cease to have this Right for either, but suffer equally an Invasion of an unalienable Right in both.

Now, since Religion, however Persecuted, whether with or without Law, is an unalienable Right: how should its having, or wanting a Civil Law, either give or take away this forceable Defence of it. For its own Natural and Divine Right, is as defensible by Natural Force, as I have shown, as any Civil Right the Law will add to it.

And what is it, that a Civil Law doth, towards this way of its Defence? It makes it, say † they, a *Civil Right and Property*: And a *Persecuting Law against it, though, as it is wicked, it cannot command our Obedience; yet, as it is a Law, it may dispose of our Civil Rights*. True, a Civil Law, will make or unmake a Civil Right, which gives or takes away a Civil Defence, by Courts and Law Suits. When it has a Civil Right, it will have Redress in Courts, and have Men punished for invading of Civil Liberties. And when it has lost this, by a Law against it; its Professors must not

† Mr. Johnson's Remarks on Doctor Sherlock's Case of Resistance &c. p. 19, 20.

not come to Sue for in Court, or hope to find any help there.

But what is this *Defence of Courts*, by being a Civil Right, to *Natural Defence*, or *defending it by Force of Arms*? Were the Doctrine of Resistance true, as I have shewn, it need not go to *Civil Rights*, to have this Natural Defence: or, if it did, Civil Right would send it back again to Natural Right; Civil Rights, when they come to this way of Defence, throwing aside what they have by being Civil, and coming into the State of Natural Rights. So that whilst it remains a Natural, or Divine Right, it is Defensible by Arms, as if it were a Civil Right. And such a Right, true Religion always is, and however Persecuted, whether with Law, or without, or against it. It holds this Right unalienably under the unrighteous Invasion of Laws, as much as under the illegal Invasion of Rulers. And having the Right as fully, if it were Defensible this way, it might Defend it as lawfully against their Invasions, as against his. And then the Professors of True, but Persecuted Religion, might fight for it against their Persecuting Sovereigns, not only for the Laws, but for the Truths sake; and be as Free to make this Defence for it, when it is driven out by the Law of the Land; as when it has that Law on its side. Which, besides what is said thereto above, I note against those, who make an armed Defence of Religion among us, different from a like Defence in the days of the Apostles and Primitive Persecutions: on account, Religion then had the Laws against it; but now, through the blessing of God, it has the Laws on its side.

What has been offered upon this last Point, is sufficient also, over and above what has been said to that before, against those, who make our case different, from that of the Primitive Saints, either *Jews* or *Christians*: because the *Non-Resistance* they paid, was not, say they, to limited Rulers, as our Kings are, being bound up by Laws, but to *Absolute Governors*. For, though some are more *Absolute*, i.e. more left to Discretion, and have fewer Human Laws to direct them, than others: yet, were no Governors ever perfectly so. There were, both Laws, and Popular Free-

* Deut.
xvii. 18, 19

doms and Immunities, under the Roman Emperors, as I have shew'd. And *Laws not to be alter'd*, under the Medes and Persians: And a body of Laws, (which God * *commanded them to keep always by them, to be well studied and vers'd therein*) to rule the Administration of the Israelitish and Jewish Kings. And where Monarchs were left

† *Nobis Romulus ut libitum imperitaverat.* Tacit. Ann. l. 3. p. 152.

‡ *Populus nullis Legibus tenebatur: arbitria Principum pro Legibus erant.* Just. lib. 1. cap. 1.

§ *Hoc Priamus Gestamen erat, cum iura Poca more dabas Populo.* *Æneid.* 7.

— *Gaudes regno Trojannus Aestes, indeique forum, & Patribus dat iura vocatis.* *Æn.* lib. 5.

most to themselves, † *Governing at libitum*, as Tacitus says of Romulus; when ‖ *arbitria Principum pro Legibus erant*, as Justin testifies of the first Ages; and they did † *iura Dare*, as Virgil says of Priamus and the ancient Kings: i. e. when they ruled and judg'd their Subjects mostly, not by any written Laws, but by their own Reason and Equity: yet even then, were the Laws of God and Nature, always to be a Rule to them in their Administration.

Besides, all the Power of People, and the Liberty of refusing their primitive natural Rights, and standing up to right themselves when wrong'd by their Governors: is grounded, by the Advocates for Resistance, on the *Original Contract*, whereby, in the first Framing and Constitution of every Government, when the People, as they say, parted each with their native Liberty, and set Governors over them, they every where made these Reserves for themselves. This *Original Contract*, is the last Ground, when things are run up to the top, of all Peoples rising in Arms against unjust Powers; thus reassuming the Authority they had formerly intrusted, when they see it misemployed; and deposing those Kings who had abused their Trust.

Now this *Original Contract*, particularly as to our own Nation, will not be pretended, I believe, to be any where extant upon publick Records. And the rather, for that in *Magna Charta* it self, the *grand Record of our Liberties*; those Liberties are not fetch'd from the *Peoples own Reserves*, as if originally we came by them that way: but from

from the Kings Grants and Donations. * Of our free and ^{Prim.} mere Will, we have given and granted to our Bishops, &c. Magn. and to all Free Men of our Realm, these Liberties following. ^{Chart.}

— † to have and to hold, to them and their Heirs, of us, † c. 1. and our Heirs for ever, says the Charter. And much less, I think, are we to expect any Records of such Reserves, under the first and most ancient Governments. For under them, the People were so far from making, or recording, any such fancied Reserves of Rights and Privileges: that they had not any Record of Laws but what were in their Princes Breasts, not so much as stipulating for any Rules whereby they would be govern'd, but trusting and submitting themselves, to the Justice and Discretion of their Rulers, as I have noted of the first Kings.

But this Contract, is fetch'd from the common Reason and Nature of things: there being no other way possible, as these Men say, whereby *Civil Government should take Rise*. Now the Nature of things, is one and the same, to all Times and Places. And common Reason, must be as common to East as West: to the Persians and Romans under those more absolute Powers; as to the Goths, or Germans, or other Northern Nations, who have provided better for popular Liberties. And therefore, if common Reason and the Nature of things, will carry such an Original Contract, the ground of Resistance, for us; it would have done as much for them. And if it was not sufficient, to authorize Resistance in their Case, as these men themselves affirm, asserting them to have been under a tie of Conscience to Passive Obedience: it cannot suffice any more to do it in ours. Common Reason, and Nature of Government, gives equal provision to all, and as much Original Contract to the Subjects of absolute Emperors, as to those of legal Monarchs: who, whatever Liberties and Provisions they have more, have them not from common Reason, but the special limitations of their own Laws. So that on this account, we must not take more liberty to our selves, or make our Case, in point of Resistance, different from theirs.

C H A P. VIII.

*No Resistance, on Pretence that acts against Law
are inauthoritative.*

BUT when our Rulers invade us against Right, say
 * *Julian* * some, What Authority is there in their Invasions?
Ap. p. 84. Has any Man Authority to invade our Rights? And if
Thoughts our Governors have no Authority for their Invasion: since
of a Priv. we are to be subject only to Authority, is there any Ob-
Person a ligation on us for Submission? And may we not make Re-
bout Fu- sistance, against *unauthoritative Acts*? A Liberty for Resi-
stence of stance, needs not Superiority, but Parity; for we may de-
Gent. On- fend our selves against our Equals. And when Kings act il-
derak, as legally, and invade Rights: in those Acts, say some, they
York, p. have no Authority, and Acts done against Law, which are
 11. 14. 16. the Rule of the Polity, are *politically powerless*. So that
 we may resist them in such Case, as we may our Equals;
 they acting there *without Authority*, which is the same, as
private Persons.

No, say I, under those illegal Actings, they are still
 Kings and Sovereigns. Tho there be no Authority deri-
 ved into the Action, which, if it be against the Laws of
 God and the Land, is condemn'd and vacated, not autho-
 rized and enforced by either of them: yet the Authority
 abides still in the Person. And as to the dueuess of Non-
 resistance in such illegal Actings, the Question is not, whe-
 ther the illegal Act has any Authority; but whether the
 Sovereign that acts so, retains his Authority. For Passive
 Obedience, is due to the Person in Authority: and what-
 ever liberty we might otherwise take, to oppose such an
 Action; we must keep passive, under such a Person. If,
 for all his illegal Act, he is still thy *Father*; the fifth Com-
 mandment says, *Honor and obey him*. If he retains his
 Authority over us, and continues to be the *Heaven* or
 Higher

Higher Power; S. Paul tells us, that in *Conscience* towards God, we *must needs be subject to him*. And whilst we are to be subject, we must not resist: for when once we fall to warlike Resisting, there is an end of Subjection. So that it is not enough to say, the Illegality doth disauthorize the Action, or hinder it from being binding; unless it also disauthorize the Person, and make a Forfeiture of his Authority over us. For whilst his Authority lasts, we are bound to continue his Subjects; and that eyes us to be passive in such Cases.

Now, a King may keep his Authority, for all he doth some inauthoritative, and illegal Actions. He doth not lose Power, by abusing his Power, or stretching to make it more: nor make away that real Authority which he has, by going beyond it in an unauthoritative Act, or pretending to some Authority which he has not.

What Authority have any Sovereign Powers, to make Laws against the true Religion? If their Authority is from God, I am sure he has given them no Commission, to forbid what he has commanded. They go quite against the Rule of Legislation, when they employ it in making Laws against him. And those Laws, carry no binding Force from God along with them, to oblige Subjects to their Observance. So that if by inauthoritative Acts, be meant *Acts against the Rule of Administration*, or without any real Right, to warrant the King himself in commanding, and to oblige others to obey them: all Laws are inauthoritative Acts, which are made against the true Religion. But yet, they that urge this Objection, will not say, that any Kings forfeit their Crowns, or ease their Subjects of the Duty of Passive Obedience, by making persecuting Laws. Nay, † they say there is a necessity of not resisting, but being passive under them, because they have such Laws whereby to persecute them.

What is the real and intrinsic Authority, or Legality, of a Sentence grossly unjust, and apparently contrary to Law? I mean not only contrary to *Legal Forms*, as a

† *Julian the Ap. p. 74. 75. 92. & others.*

Judgment would be without a *Jury*: but contrary to those particular Laws in any Case, which the Judge, proceeding in Form, ought to pronounce by. A Man comes to a Judge and Jury, to have Law, or the benefit of those particular Laws, which he grounds his Claim upon. And the Judge, is to pass Sentence according to these Laws, and to give what the Laws give him. And, I suppose, those Laws do not authorize this Sentence, if it grossly and corruptly perverts, what they say. In this Case, if they authorize what the Judge says, I think they must no longer authorize what they say themselves, since his Saying is directly contrary to theirs. And accordingly, instead of authorizing, they will reverse it, so soon as they fall into the hands of a more upright Judge and Jury, that will find and pronounce aright. So that here is a Sentence against the Laws, that should have ruled it: which, not having the Laws concern'd therein, to authorize and bear it out, if Authority must come from Law, I think will be an inauthoritative Act. But I imagine these Objectors do not believe, he ceases thereupon immediately to be a Judge, which would vacate all the Sentences he passes afterwards. Or, that the aggrieved Parties have Remedy any other way, than by legal Appeals. Wherein, if they can find no Redress at last from the Supreme Power it self, yet are they not thereby set loose from being any longer his Subjects, nor have any Discharge, as I think is confess'd on all hands, from their Passive Obedience.

How many illegal, and unauthoritative Acts, were done by *Saul*, and *Ahab*, *Ahaz*, and *Manasse*, and other ill Kings among the *Jews*; which yet did not unking them? And by the *Roman* Emperors, as I have shown, which yet did not disrobe them of their Purple, or free the poor oppressed Christians, and other Subjects of the Empire, from being subject to, and passive under them? Among these, are instances enow, as may appear from what is said above, of illegal Acts, against the Authority of all Laws,
both

both of God, and of their own Realms. And yet of the Sovereigns, who were the illegal Actors, still retaining their Sovereign Authority, and holding the Sufferers in their former state of Subjects, and under an obligation of Conscience to Passive Obedience. And this is a clear proof, that God, tho he has given Rules to higher Powers, which are Duties of Governors, and according to which, at the great Day, he will judge them himself: Yet, has not made these Rules of exercising Power, Conditions of their holding Power, or Grounds of Forfeiture. He himself, under the most enormous Breaches of these Rules, having plainly declared, by the inspired Pen-men, of those Princes that broke them, that they were still in Authority, and that their Subjects, as they would answer the contrary to him, were to keep in their Obedience and Duty to them notwithstanding. So that wheresoever any Forfeiture of Crowns comes in, it must be, by some special provisions in a Peoples own Laws. And where Law makes a Forfeiture, it will make a Prince forfeit in a legal way, by appointing some superior Power to try the Fact, and judicially to declare the Forfeiture. But I do not conceive, how there can be any legal way of forfeiting, where the Prince is declared by Law, to be the *Sole Supreme*.

Now, if unauthoritative Acts do not disauthorize the person, and make him sink into a private Man; but for all them, a King continues still to be a King: where is the Argument for Resistance from such inauthoritative Acts? Yes, || say they, when unjust Acts have no Authority in virtue of Self-defence, *we may resist, and defend our selves against them.* True, where there is no other hindrance to resisting, and defending our selves by Arms, but what is to be looked for in the Action. But Resistance, and war-like Defence, tho it be for an Action, must be of some Person. And what if there is something, to bar such Resistance, in the Person? As I think the Law appoints in the Persons of *Father and Mother*, when it declares, *he shall*

|| *Thoughts of a Priv. Pers. &c. p. 11.*

surely

surely be put to death, that smiteth them. *Exod. xxi. 15.* And in the Persons of Higher Powers, when it calls us to honor, to keep subject, and not to resist them. So there is something in his person, to keep out all Resistance, and arming against our Sovereign. The Argument for not resisting, or making a warlike Defence against him, is because he is King. And then, what takes off this, and can be an Argument for Resistance, must be something that doth unking him. And since such unauthoritative Acts, are no Forfeitures of Crowns; 'tis plain, whatever other Immunities they are a ground of, they are no ground of levying War, or armed Resistance.

This, I take to be a ~~very~~ good, and sufficient Ground, and I think it is the true Ground, of Submission and Passive Obedience, under illegal Violence and Persecutions. The illegal Act, I conceive, has nothing in it self to bar Self-defence; having no Authority to bear out and enforce it, as may seem, either from God or Man. Not from God; for if his Law carries his Authority, (and where doth he display his Authority, if not in his Laws?) what is against his Law, is against his Authority. Nor from Man, for the same Reason, of its being against humane Laws, which carry their Authority. But the Authority of the Person, is a Bar to this way of Defence against our Sovereign. And when the Sovereign will do such illegal Acts, tho' he has no Authority to justify himself therein, nor to make his unrighteous or illegal Commands, really obligatory and binding: yet, because he is a Person, under whose Authority and Obedience we all are, this will be the effect of them. Seeing Subjects under Government, can have no Remedy, but what keeps the order of Government, and must be content with so much, as keeping to that Order allows: till God alter his mind, we can have no present Redress. And being his Subjects, we cannot go to arm against him, to defend or right our selves. And this is *Passive Obedience*. So that when the irreligion or illegality of the Command, exempts us from any Obligation,

on, to active Performance: this Authority of his Person, doth notwithstanding lay on us an Obligation, of keeping under his Obedience, and making no warlike Resistance.

And on these Grounds it will be easie to give a rational, and plain Answer to those Questions, which the Disputers for Resistance shall think most posing, about the Authority of Kings, when they act against Laws.

If it be asked, What is a Kings Authority, when he doth such illegal Acts? 'Tis just the same it was before he did them; for as he doth not get, so he doth not lose any rightful, and real Authority thereby.

But what doth his Authority give, to the illegal Act, or Order? Doth it authorize the Subjects in an illegal thing? or make the Law, which forbids it, cease to be a Rule to them? No, the Laws of God and Men, are to be the Rules of conscionable acting. The Authority of the Law, is the Authority of a Rule. And for a Rule, it is the best Authority. And an humane Law, is the best Humane Authority. And where Kings, neither make, nor unmake and repeal Laws, alone; the King commanding in the Laws, is of more Authority to rule the Subjects Actings, than the King commanding against them.

And what doth his Authority give him, as to that particular illegal Act? Not to be questionable, or accountable for it among Men, or coercible by Force and armed Opposition. And that, because for all that act, he is still our King, and we owe him Subjection. Receiving such illegal Acts from our King, we must receive them as Subjects. And the obligation of continuing Subjects, excludes all Liberty of armed Resistance.

Whence, say they, in an illegal Act, has a Sovereign Prince this Authority? From the *Fifth* Commandment, and from all those Commandments, that require Submission, and Obedience, and being subject unto Princes. For the plain intent of all those Precepts, as may sufficiently appear, I think, from what I have said on this Argument;

is to require these, to Princes that break, as well as to those that keep Laws; to unjust, as well as to righteous Sovereigns. And if God commands us to submit, and keep in Subjection to a Sovereign Prince, that acts against Laws; he must forbid us to resist such: for men put off Subjection, when they fall to Resisting.

It may be asked still, has he it from the Law of the Land? Yes. What, from the Law he invades? Doth the Law give him Authority to break it self? No, but by all those Laws, that declare he incurs no Forfeiture by such Invasions. For all those Laws, that own and declare such Invader to be still our King, determine our Subjection to him, and forbid us to resist him. For Men are no longer in the state and posture of Subjects, when they come to arm against their Sovereigns.

If a Man suffers illegally, they will demand by what Law? By none surely, for then there is an end of the Illegality. But to ask for a Law for his suffering, is to ask for something to justify, or make it just in the eye of Law, that he should suffer. But this is not pretended from the Kings Authority; and it is supposed to be an unjust, and illegal Suffering. But if the King has no Authority, to justify the illegal Suffering; has he any Authority, to bar the illegal Sufferers resisting? Yes, the Regal Authority not being lost by that illegal Act, but still abiding in him. For all he makes a Man suffer against Law, he is still his King. And that is a Reason against Resisting. For by all Law, both of God and Man, we must be subject to our King. And he ceases to be subject, that draws his Sword against him.

C H A P. IX.

*The Reasons of Non-resistance. And how it makes
not Arbitrary Government.*

I Shall only add now, in the last place, concerning this Non-resistance, or not arming against invading Princes, required of, and practised by the first and best Christians, what Regards they were guided by, and what Reasons they looked at, for this Observance.

1. The first and chiefest, was in Reverence to God's Ordinance, insomuch as those Rulers, were Gods Anointed, his Ministers, or his Vicegerents. *How can I stretch forth my hand against Saul, says David, and be guiltless, seeing he is the Lords anointed.* 1 Sam. xxvi. 9. and c. xxiv. 6. And *he that resist, shall receive Damnation, saith S. Paul, as resisting the Ordinance of God,* Rom. xiii. 2. And *he is the Minister of God, wherefore ye must needs be subject, not only for wrath, but also for conscience sake,* v. 4, 5. And like to these, are the Sayings of the Primitive Fathers, for Submission to the persecuting Emperors. Tertullian grounds the Duty of Allegiance we owe the Emperor, on this, that he is deputed by God, * and has his Power from the same, * Apol. from whom he has his Spirit: that he is one; † quem Deus c. 30. elegit, — qui à nostro Deo constitutus, i. e. whom God has appointed: || à Dominus Dei vice, Gods Vicegerent, or a Lord lib. c. 34. over us in Gods place and stead: whom ‡ knowing à Deo † ad Scap. constitutus, to be Gods Ordinance, every Christian ought of necessity to love, reverence, and wish safe. This made the Sacredness, and Authority of the Emperor, in their eyes, be cause, as Athenagoras * tells Marcus and his Son Commo- * Legat. dor, ἀναστὰς τοὺς βασιλεῖς εἰς τὸν οὐρανόν, their Empire they had received from God. The same, which Dionysius of Alexan- pro Christ. dria † said afterwards of Valerianus and Gallienus, to Hemi- † ap. Enf. Hist. Eccl. tian the Praefect. And because, as Theophilus says in his 7. c. 11.

¶ Ad Au-
tolyc. l. 1.
p. 76.

Book to *Autolycus* under the Emperor *Commodus*, tho the Emperor *||* is not God, yet he is *ἀρχιερεὺς καὶ δυνάστης* *ἡμεῶν*, a Man ordained of God, and under him, to do Judgment and Justice. And this also is the ground of Subjects Duty and Allegiance, in the Doctrine of our Church. All Subjects do owe of bounden Duty, Obedience, Submission, and Subjection, to the Higher Powers, for as much as they be Gods Lieutenants, Gods Presidents, Gods Officers, &c. says the Homily of Obedience Part 1. And again, all Subjects are bound to obey them, yea though they be evil, and that for Conscience sake, as Gods Ministers. — Though they be wicked, and abuse their Power: yet therefore it is not lawful for their Subjects to withstand them, because, even wicked Rulers, have their Power and Authority from God. Homily of Obedience Part 2.

Now, all these are Reasons, not to Resist the worst, as well as the best Kings: the infringers of Rights, as well as the maintainers of them. For all Men rightfully invested with Power, are Gods Ministers, his Anointed, and his Ordinance, however they employ their Power. The bad are, as well as the good; at their worst, as well as at their best times. *Saul* is the Lords Anointed, as well as *†* *David*; *†* *Zebediah*, as well as *Josiah*; *Nero*, *Domitian*, *Dioclesian*, or other bloody Persecuting Emperors, as well as the most just and godly Kings. * The same that gave the Power, *||* says *S. Austin*, to *Marius*, gave it also to *C. Cæsar*; he that conferred it on *Augustus*, gave it also to *Nero*; he that bestowed it on the *Vespasians*, Father and Son, those most obliging Emperors, bestowed it also on *Domitian* so infamous for his Cruelties. And not to particularize any further, he that set up *Constantine* the Christian Emperor, set up *Julian* too who Apostatized from Christ. In reading the Holy Scriptures, says our Church, *†* in the Homily against willful Rebellion, we shall find in very many and almost infinite Places, as well of the Old Testament as of the New, that Kings and Princes, as well the evil as the good, do Reign by Gods Ordinance, &c. They have their Power and Authority from God.

† *Ham. iv.*
29.

¶ *De Civit.*
Dei. lib. 9.
c. 21.

† Part 2.

God, says the || *Homily of Obedience, and are to be obeyed* || Part 2.
as Gods Ministers, although they be evil — although they a-
buse their Power — although they be wicked and wrong doers
— and it is not lawful for Inferiors and Subjects, in any
Case to resist and withstand them.

Whatever the rightful Sovereign be then; that bears hard upon any Man; let me ask him who is most uneasie, if, for all his Personal unworthiness, and oppressive Administration, he be not still *the Lords anointed, and the Ordinance of God.* And so long, if he will be a Follower of the Holy Scriptures, the Primitive Fathers, or our own Church, whose Testimonies have been alledged, how can he lift up his hand against him.

2. A second Ground of their Non-Resistance, was in *Patience and Submission to Gods Providence.* In such hard Cases, they were like to ease their Suffering by Patience, and make it worse by Resistance. *In your Patience, says our Saviour, possess ye your Souls. Luke xxi. 19.* When the Cross was brought upon them, they were called to take it up, not to drive it away; to follow Christ in bearing it themselves, not to follow the World in endeavouring to Force it upon others: according to those Precepts of our Lord, for *taking up, and bearing his Cross.* These Persecutions they looked on, as sent by God for tryal of their Patience, not of their fighting Valor in making Resistance: and were careful under them, to shew invincible Stourness in Sufferings; not refuse to Suffer, and rather fight in their own Defence. *The Cup, which my Father hath given me, shall I not Drink it?* Therefore put up thy Sword, said Christ. *Joh. xviii. 11. Lo here is the Patience of the Saints,* says S. John, noting what in their Persecutions they sought to Signalize. *Rev. xiv. 12.* And, *Abstine ut Divina Secta doleat pati, in quo probatur:* God forbid this Divine Sect should be against Suffering, which is only Gods way of Tryal and Probation, † says Tertullian, of their patient and un- † Apoc. c 37.
 rofisting Sufferings, when they had strength enough to defend themselves.

3. In faith in God, and trust that he, as Rightful Judge, would sooner or later, as he saw best, Right their Cause. Vengeance is mine, I will repay, saith God; and they were content to leave it to him.

† *Corfidimus majestati ejus, qui tam conceptum sui, quam fervoram injurias, posse absolvere. — Cum tam nefanda perpetimur, Deo permitimus ultionem.* LaR. l. 5. c. 20.

¶ *Lasos u'io Divina Defendit. Inde est quod nemo nostrum relictatur, etsi nimis & copiosus sit noster Populus.* Cyprian ad Demet. p. 192. Ed. Ox.

† *We confide in him, who is able to take Vengeance, both for his own, and his Servants injuries. — When we suffer such unspeakable things, we leave it to God to Right us, says Lactantius. || Against all your injuries, the Judgment and Vengeance of God is our Defence. And upon that account it is, that none of us makes any Resistance, though we have Numbers more than enough, says S. Cyprian.*

And loe, here is the Faith, and Patience of the Saints, said S. Job: Rev. xiii. 10. They committed their Rights to him, when despoiled of them by unjust Force, and never went about to make Parties and Tumults, by Force to Right themselves; to shew the Faith they had in his Justice, his Providence, and Promises; and how far, and freely, even in these dearest and most concerning Interests, they durst trust him.

Now both these also, are Reasons equally not to Resist, under any rightful Sovereigns. The Cross is the same, under one, as under others. The same Trial of Patience, and of Faith, when they fall under the same distress: whether by Christian or Heathen, Sober or Dissolute, by Princes that Invade, or that observe Civil Laws and Legal Properties.

Now, to all this, that has been said on this Subject, it would be a very weak and unjust exception, to say, *this forbidding of Resistance on violation of Laws, is setting up for illegal and arbitrary Government.* For to Govern Arbitrarily, is to Rule by Discretion, or to have no written Laws to Govern by. And where there are Stated Laws, to regulate and direct Administrations; there is all the Human care that can be, to prevent Arbitrariness in Sovereigns.

There

There are but two ways, to limit and lay Restraints, or keep any Governor within compass. One is, *Law*; which restrain him as a *Rule*, by fixing and prescribing for him, his just Bounds. The other, is a *Superior Power*, that can call him to account when he Deviates; and forceably compel him to return into a Right Course; and these restrain him as his *Rulers*. Now, as for this later way, of appointing Higher Powers, for their Supervisors and Correctors; it is visible this can be no way of restraining Sovereigns; who can be no longer Sovereigns, but Subjects, if they have any Superiors. He that is by Law declared the *Supreme*, especially the *only Supreme* in any Realm, must needs be above all, and no Man can be above him. Though the Laws of his Realm, are to be his Rule; yet no Man in his Realm, can be his Ruler, nor they, who all profess themselves made subject to, pretend to set upon him.

Besides, if such Correctors were appointed, to secure the Laws; yet would that be only a *Dream of Security*, which would vanish, as Experience made us awake and come to our selves; and not secure them really, more than they are secured already. For these Correctors, being subject to like Over-sights, Passions, and Misgovernments, are as liable to Prevaricate and Violate the Laws, as those whom they are set to Supervise. The Laws are safe enough, in the Hands of good Kings; and unsafe, in the Hands of ill Correctors, as of ill Kings; and such Correctors, are every whit as liable, and like as apt to be ill, and abuse the Laws, as Kings themselves. And what redress for the Invasions and breach of Law, when they do amiss? So that this doth not Cure, but only shift the Disease, which is incurable under any Sovereign or last Judge, be it King or Parliament, Army or Mob, though the Nature of this World, and the inseparable uncertainties of Human Affairs, shew us how impossible it is.

As in the Line of Human Subordinations then, some must be Sovereigns; and these must be Men, subject to be drawn aside like our selves: so can these have no Restraint, but

but Laws; nor any Judge but God, and so be unaccountable here on Earth. The only possible restraint of Arbitrariness in them, is Laws. And the best restraint these can lay, is, if Acts of State and Justice, are to be sped; not only by the Sovereign himself in Person, but by his *Ministers*. And if, though the Sovereign himself is not, yet his Ministers are accountable, and tryable for Breach of Laws, as well as others. Which, I think, is as much security under a Sovereign, as Sovereignty allows. And this Human Security, we have in this Realm, to Guard our Laws; although we may not resist our Sovereign, and fight for those Laws against him by force of Arms; which is a throwing off his Sovereignty over us, and setting up for our Selves.

But though this Doctrine of Non-Resistance, yea, even in Defence of Laws, doth not make *Arbitrary Power*: yet, on the other Hand I would have it considered, whether the *Liberty of Resistance*, is not like to bring in *Arbitrary Subjection*. They may cast off Obedience, say some, for *Publick Good*; as, when they see it Expedient, for they must judge of it. Is not this to set Subjects loose, when they see Cause. And if they are *Arbitrary Governors*, who in Ruling are left to Discretion: are not they also, as *Arbitrary Subjects*, who in Obeying are left to Discretion? Now, to Cure *Arbitrary Power*, by *Arbitrary Obedience*; is to Cure *Tyrannical Government*, by no Government, which is as bad, nay, abundantly worse. The very worst of Tyrants, are the *Ministers of God for good*, in comparison of no Government. One Tyrant's Lust, cannot Raffle all Virgins; nor his Avarice, devour all Estates; nor his Revenge, reach all Persons; nor his Cruelty, cut off the Common Wealth. But under no Government, the Rabble will Govern all. And that will be branched out into many thousand Tyrants, who Persecute without Pity, as well as Justice; and pull down and spoil, without any Relentings; and have no Generosity to spare, or greatness of Soul to neglect or leave any thing; but think the meanest Plunder

a desirable Prey, and sweep all before them. *A Poor Man, that oppresseth the Poor, is like a sweeping Rain,* says Solomon. Prov. xxviii. 3. And I think the Experience we have had of late, in these three Realms, of the Rabble's Ruling is enough to convince all Considerate Men, that a few months of their Expedition, is much more full of illegal Violence, Injustice, and Inhumanity, and a great deal more formidable, than a Tyrant's whole Reign.



F I N I S.
